(35)

No. 03-1500

DEC 13 2004

In The
Supreme Court of the United States

THOMAS VAN ORDEN,

Petitioner,

v.

RICK PERRY, in his official capacity as Governor of Texas and Chairman, State Preservation Board, et al.,

Respondents.

On Writ Of Certiorari To The United States Court Of Appeals For The Fifth Circuit

JOINT APPENDIX

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Petition For Certiorari Filed March 31, 2004
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TABLE OF CONTENTS

Page

Relevant Docket Entries

United States District Court, Western District of Texas, #01-CV-833 1

United States Court of Appeals for the Fifth Circuit, #02-51184 5

Second Amended Complaint, *Van Orden v. Perry* 7

Defendant's Answer to Plaintiff's Second Amended Complaint, *Van Orden v. Perry* 14

Testimony of Rick Crawford, Trial transcript pp. 52-127 18

Stipulations of the parties 90

Trial exhibits, 1-42, 46-48, 53, 57 97

The following documents have been omitted in the printing of this Joint Appendix. They may be found in the Appendix to the Petition for Writ of Certiorari at the following pages:

Memorandum Opinion and Order, United States District Court for the Western District of Texas, filed October 2, 2002 ..... App. 22

Opinion, United States Court of Appeals for the Fifth Circuit, filed November 12, 2003 ..... App. 1

Order Denying Rehearing, United States Court of Appeals for the Fifth Circuit, filed January 5, 2004 ..... App. 20

Relevant Docket Entries

U.S. District Court

Western District of Texas (Austin)

CIVIL DOCKET FOR CASE #: 01-CV-833

DATE	#	DOCKET ENTRY
12/6/01	–	Case assigned to Honorable Harry L. Hudspeth (mc2) [Entry date 12/06/01]
12/6/01	1	Motion by Thomas Van Orden to proceed in forma pauperis (mc2) [Entry date 12/6/01]
12/6/01	–	Received, Complaint. (mc2) [Entry date 12/06/01]
		* * *
1/8/02	6	Order granting motion to proceed in forma pauperis [1-1]. (Noticed 1/8/02.) (mc2) [Entry date 01/08/02]
		* * *
1/8/02	8	Complaint filed. Filing Fee: IFP (Pages: 8) (mc2) [Entry date 01/08/02]
		* * *
2/4/02	16	Amended complaint by Thomas Van Orden, amending complaint [8-1] to change the capacity designation of all defendants (Pages: 5) (trh) [Entry date 02/04/02]
		* * *

4/22/02	23	Notice of filing by Thomas Van Orden of his "Proffered Second Amended Complaint"; (Second Amended Complaint rec'd) (trh) [Entry date 04/22/02]
4/22/02	24	Order granting motion to add defendants [21-1]; Ordered that Plaintiff's Second Amended complaint be filed. (trh) [Entry date 04/23/02]
4/22/02	25	Second Amended complaint by Thomas Van Orden incorporating new Defendants Bill Ratliff and James E. "Pete" Laney [8-1] (Pages: 6) (trh) [Entry date 04/23/02]
5/7/02	26	Answer by Rich Perry, Bill Ratliff, James E. "Pete" Laney, David Cain, Tony Goolsby, Rick Crawford to second amended complaint (mc2) [Entry date 05/08/02]

* * *

7/29/02	–	Bench trial begun, parties announce ready, opening statements of counsel heard, testimony heard on behalf of Pla and Dfts; witnesses sworn, evidence submitted on behalf of Pla and Dfts; stipuations filed; supplemental brief from Pla due 8/9/02, response by Dft due 8/16/02. (trh) [Entry date 07/30/02]
7/29/02	48	Witness for Pla and Dft: Thomas Van Orden, Rick Crawford (trh) [Entry date 07/30/02]
7/29/02	49	Joint Exhibit list by Pla Thomas Van Orden and Dfts Rick Perry, et al. (trh) [Entry date 07/30/02]

* * *

8/7/02	50	Transcript filed for dates of 7/29/02 (Proceedings Transcribed; Non Jury Trial) (court Reporter; Logan Miller) (trh) [Entry date 08/08/02]

* * *

10/2/02	67	Order that the Plaintiff's request for injunctive and declaratory relief in the above-styled and numbered cause be denied; that judgment be in favor of the Defendants and that Plaintiff take nothing by his suit (gr) [Entry date 10/03/02]
10/2/02	68	Judgment for Rick Perry, Bill Ratliff, James E. "Pete" Laney, David Cain, Tony Goolsby, Jocelyn Levi Straus, Rick Crawford against Thomas Van Orden (Pages: 2); that Plaintiff, Thomas Van Orden take nothing by his suit (gr) [Entry date 10/03/02]
10/2/02	–	Case closed (gr) [Entry date 10/03/02]
10/28/02	69	Notice of appeal by Thomas Van Orden (sl) [Entry date 10/29/02]
10/29/02	–	Notice of appeal and certified copy of docket to USCA: appeal [69-1] (sl) [Entry date 10/29/02]
10/29/02	–	Served copy of notice of appeal, dkt #69, on Thomas Van Orden, Michael Winget-Hernandez, Kelly Shackelford, David Lill, Mathew Staver, Kathleen Goodman, and Court. (sl) [Entry date 10/29/02]

* * *

11/18/02 – Certified and transmitted record on appeal to U.S. Court of Appeals: appeal [69-1] #02-51184 (sl) [Entry date 11/18/02]

* * *

1/15/04 71 Certified copy of judgment of USCA affirming the district court appeal [69-1] #02-51184 USCA filed 11/12/04. Issued as Mandate 1/13/04, USDC filed, dkt'd, imaged and mailed 1/15/04. (sl) [Entry date 1/15/04]

1/20/04 – Record on appeal returned from U.S. Court of Appeal: appeal [69-1] #02-51184 (sl) [Entry date 01/20/04]

* * *

US Court of Appeals for the Fifth Circuit

Court of Appeals Docket #: 02-51184
Nsuit: 3440 civil Rights: Other
Van Orden v. Perry, et al
Appeal from: Western District of Texas, Austin

10/31/02 Civil rights case docketed. NOA filed by Appellant Thomas Van Orden. [02-51184] (rjd)

* * *

11/20/802 Record on appeal filed. Vol(s) of Pleadings; 2 Vol(s) of Transcripts: 1 Exhibits: 1 box. [02-51184] ROA ddl

* * *

9/2/03 Oral argument heard. Case argued by Thomas Van Orden for Appellant Thomas Van Orden, R Ted Cruz for Appellee Charlynn Doering, Appellee Jocelyn Levi Straus, Appellee Peggy Hamrick, Appellee Chris Harris, Appellee Tom Craddick, Appellee David Dewhurst, Appellee Rick Perry [02-51184] (src)

11/12/03 Opinion filed. Issd in T form? y Mandate pull date is 12/3/03. [02-51184] (jma)

11/12/03 Judgment entered and filed. [02-51184] (jma)

11/25/03 Petition for Rehearing En Banc received from Appellant Thomas Van Orden. Sufficient [Y/n]: Y. [02-51184] Mandate pull date canceled. Submit EB or Pet for Rehearing due on 12/10/03. (vds)

11/25/03 Petition filed by Appellant Thomas Van Orden for rehearing en banc. # of copies filed; 20 [4696781-1] Submit EB or Pet for Rehearing due ddl satisfied. Date or COS: 11/20/03 Sufficient [Y/N]: Y 02-51184] (lmc)

1/5/04 COURT Order filed denying petition for rehearing en banc [4696781-1] With poll (Y/N)?: N. Mandate pull date is 1/12/04. copies to all counsel. [02-51184] (mcs)

1/13/04 Mandate issued. Approved BOC Issued (Y/N)?: n [02-51184] Mandate pull date satisfied. (jca)

* * *

5/10/04 Supreme Court notice that petition for certiorari was filed on 03/31/04 by Appellant Thomas Van Orden. Supct No.: 03-1500 [02-51184] (cav)

10/28/04 Supreme Court order received denying petition certiorari [4829538-1] by Appellant Thomas Van Orden on 10/12/04. [02-51184] (cav)

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF TEXAS
AUSTIN DIVISION

THOMAS VAN ORDEN

Plaintiff

v.

RICK PERRY, in his official capacity as Governor of Texas and Chairman, State Preservation Board

BILL RATLIFF, in his official capacity as Co-Vice Chairman, State Preservation Board and President of the Senate of Texas

JAMES E. "PETE" LANEY, in his official capacity as Co-Vice Chairman, State Preservation Board and Speaker of the House of Representatives Of Texas

DAVID CAIN, in his official capacity as Member of the State Preservation Board

TONY GOOLSBY, in his official capacity as Member of the State Preservation Board

JOCELYN LEVI STRAUS, in her official capacity as Member of the Texas Preservation Board

RICK CRAWFORD, in his official capacity as Executive Director, State Preservation Board

Defendants

CIVIL ACTION NO. A 01CA 833H

SECOND AMENDED COMPLAINT

(Filed April 22, 2002)

1. The action arises under the First and Fourteenth Amendments to the Constitution of the United States as hereinafter more fully appears. 28 U.S.C.A. Sec. 1331.

2. Plaintiff brings this action against defendants to redress the deprivation of rights secured him by the First and Fourteenth Amendments to the Constitution of the United States. 42 U.S.C.A. 1983. The Court has jurisdiction pursuant to 28 U.S.C.A. Secs. 1331, 1343 and 42 U.S.C.A. 1983.

3. Venue in the Western District of Texas, Austin Division, is proper pursuant to 28 U.S.C.A. Sec. 1391(b)(1) and (2).

4. Plaintiff is Thomas Van Orden, a citizen of the United States and a resident of Austin, Travis County, Texas whose address is P. O. Box 2509, Austin, Texas 78768.

5. Defendants are:

   (a) Rick Perry, in his official capacity as Governor of Texas and Chairman, State Preservation Board. He is a resident of Austin, Travis County, Texas whose office address is Room CAP 2S.1, Austin, Texas 78701 [sic];

   (b) Bill Ratliff, in his official capacity as Co-Vice Chairman, State Preservation Board and President of the Senate of Texas. He is a resident of Texas whose office address is Room CAP 3S.5, Austin, Texas 87801 [sic].

   (c) James E "Pete" Laney, in his official capacity as Co-Vice Chairman, State Preservation Board and Speaker of the House of Representatives of Texas. He is a resident of Texas whose office address is Room CAP 2W.13, Austin, Texas 78701;

   (d) David Cain, in his official capacity as member of the State Preservation Board. He is a resident of Texas whose office address is Room CAP 3E.16, Austin, Texas 78701;

   (e) Tony Goolsby, in his official capacity as member of the State Preservation Board. He is a resident of Texas whose office address is Room CAP 1W.6, Austin, Texas 78701;

   (f) Jocelyn Levi Straus, in her official capacity as member of the State Preservation Board. She is a resident of Texas;

   (g) Rick Crawford, in his official capacity as Executive Director of the State Preservation Board. He is a resident of Texas whose office address is Sam Houston Building, 201 E. 14th, Suite 950, Austin, Texas 78711.

6. In 1961, the State of Texas, by a joint resolution of the Texas Senate and Texas House of Representatives, accepted from The Fraternal Order of the Eagles of the State of Texas, a private organization, a granite monument inscribed with the Ten Commandments for placement on the grounds of the State Capitol of Texas.

7. Thereafter, in 1961, the State of Texas placed or caused or permitted the Ten Commandments monument to be placed on the grounds of the State Capitol of Texas where it remains today.

8. The State Preservation Board, an agency of the State of Texas, was created by an Act of the Legislature in 1983. V.T.C.A., Government Code, Sec. 443.001 et seq. The Board is vested with and exercises broad authority over the Capitol Grounds including the continuing

display and maintenance of the Ten Commandments monument.

9. The State Preservation Board consists of the following members:

   (a) Rick Perry, Governor of Texas, serves as Chairman of the Board;

   (b) Bill Ratliff, Lt. Governor of Texas, serves as Co-Vice Chairman of the Board;

   (c) James E. "Pete" Laney, Speaker of the House of Representatives of Texas, Serves as Co-Vice Chairman of the Board;

   (d) David Cain, Texas State Senator, serves as a Member of the Board;

   (e) Tony Goolsby, Member, House of Representatives of Texas, serves as a Member of the Board;

   (f) Jocelyn Levi Straus serves as the citizen Member of the Board;

   (g) Rick Crawford serves as Executive Director of the State Preservation Board.

10. The Defendants, acting under color of law, set Board policy and supervise Board staff and employees in providing for the continuing display and maintenance of the Ten Commandments monument.

11. Plaintiff is a resident of Austin, Texas. He is not religious. He does not subscribe to Ten Commandments monument's inscribed assertion that God exists. He does not subscribe to the implication the Ten Commandments are God's law and he does not subscribed [sic] to the precepts engraved on the monument.

12. Plaintiff regards the Ten Commandments monument, as and where displayed, as an endorsement by the State of Texas of religion and of Christianity and Judaism in particular.

13. The Ten Commandments monument conveys the message to Plaintiff that politically, there are ins and outs based on religious belief – that those who do not embrace religion are second-class citizens and set apart. He regards the monument as a spiritual affront.

14. The Capitol Grounds, including the area of the Ten Commandments monument, are open to the public. Plaintiff, in his normal routine, comes into frequent unwelcome, direct and personal contact with the Ten Commandments monument.

15. The State Capitol Building and Capitol Grounds are the seat of state government and the focal point of political rallies, protests, celebrations and community events. Plaintiff often attends these events and in so doing comes into unwelcome, direct and personal contact with the Ten Commandments monument.

16. The Ten Commandments monument is located in close proximity to the Capitol Building and Capitol Extension which house the State Legislature, Governor's Office, offices of State Legislators and legislative hearing rooms. Also in close proximity are the Supreme Court and Court of Criminal Appeals of Texas, the Attorney General and State Law Library.

17. Plaintiff's attendance at any of these locations necessitates that he come into unwelcome, direct and personal contact with the Ten Commandments monument. The monument can only be avoided if Plaintiff assumes the burden of entering and exiting the Capitol Grounds and buildings in ways other than the

most direct, advantageous and natural and by avoiding the area of the monument altogether.

18. The actions set forth in paragraphs 6, 7, 8 and 10 constitute state action within the meaning of the Fourteenth Amendment to the Constitution of the United States.

19. Continuing display of the Ten Commandments monument will cause Plaintiff irreparable injury for which no adequate remedy at law exists by depriving him of his rights guaranteed under the Establishment Clause of the First Amendment to the United States Constitution.

PRAYER

WHEREFORE Plaintiff prays that this court:

1. Assume jurisdiction of this action;

2. Declare that, as displayed, the Ten Commandments monument constitutes a continuing violation of the Establishment Clause of the First Amendment to the United States Constitution made applicable to the States by the Fourteenth Amendment. 28 U.S.C.A., Secs 2201, 2202;

3. Issue a mandatory injunction requiring the removal of the Ten Commandments monument from display on the Capitol Grounds or upon such other terms as the Court finds fully remedies the continuing constitutional violation;

3. Such other and further relief as the Court finds necessary and proper.

RESPECTFULLY SUBMITTED,

Thomas Van Orden
THOMAS VAN ORDEN
Plaintiff, pro se
P.O. Box 2509, Austin, Texas 78768
seneca50@hotmail.com

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TEXAS
AUSTIN DIVISION

THOMAS VANORDEN, *Plaintiff,* v. RICK PERRY, in his official capacity as Governor of Texas and Chairman, State Preservation Board; BILL RATLIFF, in his official capacity as Co-Vice Chairman, State Preservation Board; JAMES E. "PETE" LANEY, in his official capacity as Co-Vice Chairman, State Preservation Board; DAVID CAIN, in his official capacity as Member of the State Preservation Board; TONY GOOLSBY in his official capacity as Member of the State Preservation Board; JOCELYN LEVI STRAUS in her official capacity as Member of the State Preservation Board; RICK CRAWFORD in his official capacity as Executive Director, State Preservation Board, *Defendants.*	§	Civil Action No. A 01 CA 833 H

DEFENDANTS' ANSWER TO PLAINTIFF'S SECOND AMENDED COMPLAINT

(Filed May 7, 2002)

TO THE HONORABLE HARRY LEE HUDSPETH, UNITED STATES DISTRICT JUDGE:

Defendants, RICK PERRY, in his official capacity as Governor of Texas and Chairman, State Preservation Board; BILL RATLIFF, in his official capacities as President of the Senate, and Co-Vice Chairman, State Preservation Board; JAMES E. "PETE" LANEY, in his official capacities as Speaker of the House of Representatives and as Co-Vice Chairman, State Preservation Board; DAVID CAIN, in his official capacity as Member of the State Preservation Board; TONY GOOLSBY in his official capacity as Member of the State Preservation Board; RICK CRAWFORD in his official capacity as Executive Director, State Preservation Board, file this Answer to Plaintiffs Amended Complaint, and would respectfully show the Court as follows:

1 Defendants acknowledge Plaintiffs characterizations of the nature and legal bases of his claims in Paragraphs 1 and 2 of the Amended Complaint, without waiving the right to contest their validity.

2. Defendants acknowledge and agree that venue in this court is proper, as asserted in Paragraph 3.

3. Without waiving their right to object to legal defects in the naming, status, capacity, standing, or other issue touching upon the parties themselves, the accuracy of Plaintiff's identification of the parties in Paragraphs 4 and 5 is not disputed.

4. The averments of Paragraph 6 are admitted.

5. The averments of Paragraph 7 are admitted.

6. The averments of Paragraph 8 are admitted.

7. The averments of Paragraph 9 are admitted.

8. The averments of Paragraph 10 are admitted.

9. Defendants can neither admit nor deny the averments of Paragraph 11.

10. Defendants can neither admit nor deny the averments of Paragraph 12.

11. Defendants deny the first sentence of Paragraph 13, but can neither admit nor deny the averment of the second sentence.

12. Defendants admit the first sentence of Paragraph 14, but can neither admit nor deny the averments of the second sentence.

13. Defendants admit the first sentence of Paragraph 15, but can neither admit nor deny the averments of the second sentence.

14. Defendants admit the averments of Paragraph 16.

15. Defendants can neither admit nor deny the averments of Paragraph 17.

16. Defendants contend that the legal conclusions reached in Paragraph 18 are in dispute.

17. Defendants deny the averments of Paragraph 19.

18. Defendants contend that Plaintiff is neither legally nor justly entitled to the relief he seeks.

19. Defendants pray that Plaintiff take nothing and that all court costs be taxed against him, and for such other and further relief as to which they may show themselves justly entitled.

Respectfully submitted,

JOHN CORNYN
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First Assistant Attorney General

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United States District Court
Western District Of Texas

[Caption Omitted In Printing]

Trial Transcript of Rick Crawford

VAN ORDEN VS. PERRY, ET AL

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BENCH TRIAL

[52] MR. VAN ORDEN: No, sir, I do not. The plaintiff rests at this time.

THE COURT: The defense?

MR. WINGET-HERNANDEZ: We call Rick Crawford to the stand, Your Honor.

THE COURT: Come on up and take the oath, please.

(Witness sworn.)

DIRECT EXAMINATION

MR. WINGET-HERNANDEZ: May we give him the exhibits, Your Honor?

THE COURT: Sure.

(BY MR. WINGET-HERNANDEZ)

Q Good morning, Mr. Crawford. Will you please state your name for the record.

A Yes, sir. Good morning. My name is Rick Crawford.

Q And tell us who you are and what you do.

A I am the executive director of the State Preservation Board. The state preservation board is a board whose members are the governor, the lieutenant governor, the speaker, the chairman of Senate administration, the chairman of House administration and a public member selected by the governor.

Q And do you appear here today on behalf of the other defendants, which include the governor and the lieutenant governor in their capacities – in those capacities as well as in their representative capacities as members of the State [53] Preservation Board?

A I do.

Q Will you tell us briefly what is your educational background and professional – or at least your public service that brought you to this position.

A I have a BBA from the University of Texas from 1976. After that I was engaged in the commercial real estate business for some 15 years or so. In 1988 I ran for the Texas House of Representatives and was elected. I began my service in the House in January of 1989 and served for four years.

Q And subsequent to that did you serve in a public capacity?

A After I left the legislature, I went to work for Speaker Laney. I worked for him for two and a half years. One of the duties assigned to me under his employment was to look after the State Preservation Board or, you know, watch what they were doing during the capitol restoration project. And once the capitol restoration project was completed and my predecessor, Ms. Dealy

Herndon, left state employment, I was selected to take this position.

Q And describe the position for us exactly in terms of its duties.

A The state preservation board overseas the maintenance functions of the state capitol building. Technically, the [54] agency owns the capitol. Its mission was to restore and maintain in restored state the capitol building, all its grounds, its contents. The state preservation board also developed, designed, constructed and now operates the Bob Bullock Texas State History Museum. So we have that function of running the museum and taking care of the capitol building.

Q Describe for us the curatorial function of the state board of preservation and the professional staff that you employ for that purpose.

A We have a highly professional staff in a lot of areas, but particularly in our curatorial department, which employs three professional people and a support person. And, of course, the rest of the agency is there to support them as well.

THE COURT: You said curatorial?

THE WITNESS: Yes, sir.

THE COURT: Is that a word?

THE WITNESS: I hope so. We have a curator of the capitol.

THE COURT: I have heard of curator. I just haven't heard of curatorial.

THE WITNESS: she's convinced me that's a word, Your Honor.

THE COURT: We will accept that for purposes of this [55] case.

THE WITNESS: We do have three people in that department, and their function is to maintain the historic artifacts of the capitol collection. There are several pieces of art that are display [sic] in the capitol that has a tremendous value. My guess would be in the range of 20 million to 30 million dollars worth of art that our curatorial department takes care of.

There are also several pieces of furniture that were original to the capitol in 1888. And the curatorial department takes care of those furnishings. There are some replication furnishings that were replicated during the capitol restoration project. And the curatorial department takes care of those as well.

Part of the functions of that department is to take care of the – to help oversee the maintenance of the monuments, which we do in a combination of outsource contracts in house, people who actually take care of the monuments.

(BY MR. WINGET-HERNANDEZ)

Q Does the state board of preservation also offer educational programs to the general public and to visitors to the capitol specifically?

A Yes. One of the functions of our department is to offer educational programs and brochures. In addition to the [56] capitol and the museum that I mentioned, there's also the 1856 to '57 old General Land Office building on

the south capitol grounds. Our agency operates that facility as well.

There are educational programs associated with that facility, two films that talk about – one that speaks of the history of the land trade for the capitol building, and the other that speaks about a dome tour. For people who can no longer go to the dome, they can at least take this tour via video.

And there are also other educational aspects to that. Our tour guides, which we operate in the capitol, give tours all during the day. And part of their job is to educate the public during the day. And part of their job is to educate the public during these tours as to the history of the building.

Q Is it fair to say, sir, that the maintenance and – I'll use the word again, the curatorial aspects as well as the publicity aspects of your agency are essential to the mission of the state preservation board?

A Yes, sir.

Q And is it fair also to say that the preservation board accomplishes all of its ad ministerial or all of its duties with respect to the capitol and its grounds essentially for the purposes of esthetically maintaining them and educating the public about them?

A That's true.

Q Just so I'm sure your testimony is clear, does the state [57] preservation board then exhibit tangible objects to the public on a regular basis?

A Certainly the art that I mentioned and some of the furnishings as well.

Q The United States Code in Title 20, which is education, Chapter 72, museum and library services, defines a museum as a public or private nonprofit agency or institution organized on a permanent basis for essentially education or esthetic purposes that utilizes a professional staff, owns or utilizes tangible objects, cares for the tangible objects and exhibits the tangible objects to the public on a regular basis.

Does the state preservation board fit that definition?

A Would you read it again?

Q Certainly. "The term museum means a public or private nonprofit agency or institution organized on a permanent basis for essentially educational or esthetic purposes that utilizes a professional staff, owns or utilizes tangible objects, cares for tangibles objects and exhibits the tangible objects to the public on a regular basis."

A I think the state preservation board does all those things. And the capitol itself has many museum features as well.

Q Isn't it – is it your position and the position of the defendants that the capitol grounds are an extension of the living museum that is the capitol?

[58] A Yes, sir, I believe so.

Q And with respect to your essentially educational and esthetic functions, hasn't the state preservation board as a function of the law that created it assumed many of the educational functions of numerous other agencies?

A Yes. The enabling legislation that established the state preservation board – prior to the establishment of the state preservation board, several agencies had some role in the management of the capitol building: The Commission On the Arts, the General Services Commission, the Library and Archives Commission. I believe TXDOT had a presence there as well. All these agencies or those named in our enabling legislation, whatever powers and duties they had with respect to the capitol were transferred to the state preservation board.

Q This includes the Texas Historic Commission and the state archives program?

A Yes, sir.

Q Does it also include the Texas Commission on the Arts?

A Yes, sir.

Q And all the duties previously performed by all those state agencies with respect to the capitol and its grounds are now performed by your agency; isn't that right?

A That's correct.

Q The state, through the state preservation board, has [59] taken a variety of actions which reinforce the historic nature and the civic, the cultural and the secular nature of the monuments that appear o [sic] the state grounds, the capitol grounds; isn't that right?

A Yes, sir, I believe so.

Q And do those include application for national landmark status?

A Yes, sir.

Q Were you actually the executive director at the time that the capitol and its grounds received that status?

A I believe that the capitol was selected as a national landmark before my tenure at the preservation board. I believe that would have been under Ms. Herndon. And it could have been before her tenure.

Q So we are clear on your relationship to the activities of the state preservation board during that time, from what period were you working for the speaker on reviewing the state preservation board's activities with respect to the capitol extension?

A From mid January of 1993 until I took this position September 22nd of 1995.

Q All right. If you'll look at Exhibit 3, please. Isn't Exhibit Number 3 – doesn't that reflect the document showing the application and the acceptance by the Department of the Interior of the capitol and its grounds as a national [60] historic landmark?

A What I have here is a letter –

THE COURT: Mr. Crawford, I have that microphone turned up as high as it will go, but it's not going to work unless you get right straight in front of it. So don't lean over there and talk from over there.

THE WITNESS: Yes, sir. What I have here is a letter from the –

THE COURT: Which you are doing again. I don't know what you are going to do with that exhibit or

anything else, but you turn yourself around where you speak right into the microphone, please.

THE WITNESS: Yes, sir. What I have in my booklet under Tab 3 is a letter from the Department of the Interior to the mayor of Austin.

(BY MR. WINGET-HERNANDEZ)

Q And that letter is also – that letter actually covers an application by the Texas Historical Commission, does it not, to the United States Department of the Interior?

A Yes, it does.

Q And that is followed by pages from the application itself showing that the historical commission, which was the predecessor, as we have already discussed, to the state preservation board in these matters, submitted this application to the Department of the Interior, including the [61] geographical data that appear on the last page showing that the entire property, at that time 27 acres, was offered for the consideration of the Department of the Interior as a national historic landmark, correct?

A Correct.

Q And in fact, one of the indicia of its acceptance by the Department of the Interior is a plaque which we couldn't bring in with us today because it's actually affixed to the capitol itself.

A Yes, sir.

Q And have you seen that? Do you know where it is?

A Yes, sir.

Q And are you aware in your official capacity that the capitol and its grounds do as of 1986 constitute a federally protected national historic landmark?

A Yes, sir.

Q Are you also aware, sir, that that is – well, are you aware that the capitol appeared in the National Register of Historic Places as early as 1970?

A I was not aware of that.

THE COURT: What exhibit is he looking at? I missed the number.

MR. WINGET-HERNANDEZ: He's looking at Exhibit Number 3, Your Honor.

THE COURT: Three.

[62] (BY MR. WINGET-HERNANDEZ)

Q Now, you rely upon the professional expertise of the employees – of your employees essentially. You run the state preservation board; isn't that right?

A Yes, sir.

Q How many employees do you have all together?

A We have 214 employees. About 110 or so are associated with the museum, and the balance are at the capitol extension and grounds.

Q About how many of those are tour guides?

A Well, the state has a term called FTE, which is a full-time equivalent, position, and we have tour guides typically that are students and work half time or part time. So I think we have approximately 30 FTES assigned

to the tour guides, but that may translate to 60 employees or something less than that.

Q And what portion of the staff is involved – apart from the tour guides is involved in the educational aspects, if you include the state curator and her staff?

A The curator of the capitol and her staff would be four people total. Three professional positions. The tour guides would be 25 to 30 FTES, depending on the time of year. But there are other people in our agency that deal with education and help assist in educating the public as well.

We have an architectural kind of department that deals [63] with blueprints and that kind of things and informs people of the size of the buildings and – you know, the educational role is more than just those two sections.

Q The staff that you have described, can you describe for the court basically, for example, the professional qualifications of the capitol curator.

A Well, an awful lot of people who work for me have more advanced degrees than I have. And certainly the curatorial department, I believe all those people have advanced degrees that are in professional positions.

Q The curator herself has an advanced degree of museum sciences, does she not?

A I believe she does, from the University of Kansas.

Q And there are other members, professional members, of your staff that have degrees in history or degrees that reflect knowledge and understanding of the historic value of the objects that you are in the process of

esthetically maintaining and educationally presenting to the public; isn't that right?

A That's correct.

Q And you rely on that staff on a regular basis in order to help you do the official work of the state preservation board.

A Every day.

Q And before the existence of the state preservation [64] board, when you were a state legislator, you relied upon the professional advice of the Texas Historic Commission and the other agencies that were charged with the duties of preserving and maintaining and educating the public about the capitol and its ground and the monuments.

A Actually, the state preservation board was created before I came to the legislature. And I think your question presupposed that it was created afterwards.

Q That's true. So what you are suggesting to me is that you have been able to rely for your entire career as a representative of the State of Texas upon the professional advice of the professional staff of the state preservation board.

A That's true.

Q And I would ask you, in your capacity both as a representative of the State of Texas and in your legislative capacity and your capacity as the executive director of the state board of preservation, whether you have an opinion based on advice of these professional people in your employ about the historical and secular value of the Ten Commandments monument.

MR. VAN ORDEN: Your Honor, I'm going to object to that. I don't think this man is qualified to give an opinion testimony. He hasn't been qualified as an expert. They designated no experts.

[65] THE COURT: I'm a little confused about whether you are asking him for his personal opinion based on his personal knowledge and experience or based on what somebody else has told him, because you made some passing reference to his staff or these other employees. So the objection to the form of the question is sustained. Maybe you can rephrase it.

MR. WINGET-HERNANDEZ: I'll rephrase the question. May I get a drink of water, Your Honor?

THE COURT: Of course. Very good tactic. That will give you a little time to think about your question.

MR. WINGET-HERNANDEZ: Thank you. I appreciate the comment as well. That will give me a chance for another one.

THE COURT: Maybe the witness would like one, too.

(BY MR. WINGET-HERNANDEZ)

Q Are you doing all right?

A I'm fine.

Q Do you have an opinion, sir, based upon the knowledge gained in your capacity as the head of the – essentially, the museum, of which the Ten Commandments monument is one cultural artifact, of that artifact's value in terms of its historical and secular nature?

MR. VAN ORDEN: Your Honor, I would renew the objection. He's testifying about his opinion, and yet he's not been designated as an expert. He's obviously relying on somebody else. It would also be hearsay.

[66] THE COURT: The objection is overruled. The rule does permit a layperson to express an opinion if it's based on his personal knowledge and experience. So I'll instruct the witness it has to come from that, not on what somebody else has told you. But to that extent you may answer the question.

THE WITNESS: Could you repeat the question?

(BY MR. WINGET-HERNANDEZ)

Q Tell us in your opinion whether the Ten Commandments monument has secular or historical value.

A Yes, it does.

Q Tell us what the position of the state board of preservation is with respect to the historical value of the monument.

A You mean my board members individually or –

Q No. I mean the official position of the agency.

A Well, the position of the agency is that it is an educational historical monument that's been there since 1961, that was moved during the capitol extension construction project, was replaced in its approximate former location, and it's a monument that we maintain.

Q More specifically, Mr. Crawford, isn't it true that the state preservation board's position with respect to the monument is that the monument itself has historic value

because it shows – it's an example of the community creating [67] an ecumenical religiously tolerant offer of a means by which youth can understand and appreciate a code of moral conduct?

A Yes.

Q And isn't it also true that the monument itself has historical value because of its longevity in that position?

A Yes.

Q And isn't it also true, sir, that the state's position with respect to the text of the monument is that the text forms the basis, in part, in some aspect of the secular law?

A Yes, sir.

Q And isn't it also true that the position of the monument is what it is as a result of the studied opinion of the Board of Control, which was charged with its positioning, and that that opinion – and that that position reflects a relationship which is direct between the Supreme Court, the monument and the legislative houses residing in the capitol?

A I believe they referred to the rotunda of the capitol. And the answer is yes.

Q With respect to Exhibit Number 2, and looking at the sketch which is the second page, is it clear to you that there was purpose behind the placement of the monument directly between the Supreme Court Building and the center of the capitol?

A In the exhibits that we looked at this weekend, there was a reference to positioning it there by the Board of [68] Control, yes, sir.

Q If you'll look at the first page of Exhibit Number 2, I think you'll recognize that.

A Yes, sir.

Q Doesn't that statement, which is – I'll just read it. "It is the studied opinion of this division that the location for the monolith of the Ten Commandments donated to the state and dedicated by the Fraternal Order of the Eagles be shown on the attached photocopy."

And then this is signed by the chief of the Building Engineering and Management Division. Isn't it true, sir, that the state board of preservation's position with respect to that statement is that the engineering and management division, which was in charge of placing the monument, studied the entire capitol grounds for a suitable location for the monument and chose a position directly between the Supreme Court and the state house?

A Yes, sir.

Q And that that position is a function in part of the relationship of the text of the monument to the functions of those two respective branches of government represented by those buildings.

A Could you ask that –

Q Namely the making of laws and the interpretation of laws.

[69] A Could you ask that again, please.

Q Well, the state board of preservation recognizes and takes the position that the placement of the monument reflects the relationship between the Ten Commandments

themselves and the making and the interpretation of secular laws.

A I believe that's true. Yes, sir.

Q Is it also the position of the state board of preservation that the Ten Commandments serve a secular purpose in the sense that they seek to bind the society and community in shared values?

A I believe so, yes, sir.

Q Isn't it also true, sir, that the state board of preservation's position and official opinion about the Ten Commandments is that although they're a religious source, that that functioned as a part of generalized culture – a generalized cultural ethic for many, many generations across hundreds of years, to a great extent through all of western Europe and what is now North America?

A Yes, sir.

Q The state board of preservation through the capitol curator has attempted to place the Ten Commandments monument in context for the reasonable observer, has it not?

A I'm sorry. You are going to have to ask me that again.

Q Isn't it true, sir, that the capitol curator was [70] discharged with the responsibility of creating a self-guided tour that would put the Ten Commandments monument in its proper context among the other monuments that exist on the capitol grounds?

A Yes, sir, that's true.

Q And just so that we can know what we are talking about, how is it that this self-guided tour is actually promulgated and published to the public?

A They are available in the tour guide office, or you can take – we have tour guides that give you tours of the building. We don't have guided tours of the grounds. What we hand out is a map that shows you the locations of all the monuments and an explanation thereof.

Q Is that what appears as Exhibit Number 4?

A It is.

Q If you'll just open that copy up so that you can see the map. Now, you have already indicated that we don't give tours. You mean the tour of the grounds is not guided by a person.

A That's right.

Q But the state actually condones and has established this tour as being – it would be the officially suggested means of approaching the monuments; isn't that right?

A Yes, sir.

Q The objective there is to make sure that the observer [71] understands the context of each of the monuments.

A That's correct.

Q And in fact, not only the monuments but also has provided interpretive information by means of signs that help the visitor or the viewer understand the history of the

capitol itself even with respect to objects and installations which no longer exist.

A That's true.

Q This is a part of the educational function of the state board of preservations; isn't that right?

A State preservation board, yes, sir.

Q And additionally these interpretive signs are important for putting the capitol and its grounds in context because they provide historical references; isn't that right?

A Yes, sir.

Q The monuments themselves, of course, have historical references or constitute historical references as well as references to secular ideals, such as freedom, and cultural ideas, which are both of importance to Texas, like the contribution of women, for example, in Texas history.

A That's true.

Q Isn't it also true, sir, that the self-guided tour is provided to the public as a self-guided tour so that individuals have a choice about what monuments they choose to look at and which ones they choose not to look at.

[72] A Well, it's a suggestion of route to take if you are going to look at all the monuments. And I guess you could choose which ones you wanted to see, if you want to see any of them.

Q In fact, if the state board – if the state preservation board had wanted to actually guide people to the Ten

Commandments monument, it could have done so by hiring tour guides to take them by it; isn't that right?

A They could have.

Q But instead they chose to give people the opportunity to either look at it or not depending on the information that was provided to them in the self-guided tour.

A That's correct.

Q With respect again to the placement of the monument, can you tell the court what essentially constitutes the front of the capitol.

A Historically the south capitol grounds are more historic than the north. And so the main entrance has always been considered to be the south entrance.

Q So, conversely, is the north entrance considered the back entrance?

A Yeah. I don't know if it would be the back entrance or not. We have engaged in the past some statistics, people from the University of Texas, to help us figure out how many visitors came to the capitol every year. And they had a [73] formula for counting the people at each one of the doors. The capitol visitors' parking garage has been open just in the last four years, which probably changed the approach that a lot of people took. So I think probably that the south door is the most frequented; probably the east door, second most; and then maybe the north door followed by the west.

* * *

get there. But certainly the north door is not the most frequently used.

Q Is it quite clear that the west door is the least frequently used door of the four?

A I don't know that it's quite clear. I would hate to get in trouble with the House side folks, thinking their door was used less, but I think with the creation of the visitors' parking garage on the east side of the capitol, the east door is probably used more than the west.

Q For visitors approaching the capitol from –

A And that may all change because of security issues once the session starts. And that hasn't been decided yet.

Q In fact, these matters of ingress and egress change on a seasonal basis as well, don't they?

A You mean which door's frequented the most?

Q I guess the numbers really is –

A Certainly the number of visitors changes seasonally and whether or not it's an even- or odd-numbered year.

[74] Q Do you anticipate that with the changes in security, that visitors will be routed through a single entrance?

A That decision has not been made.

Q Is there any likelihood that the west entrance will be more greatly utilized as a result of security measures?

A I don't think so.

Q When the general public approaches the capitol to visit, do you know whether it's more likely than not that they park in the visitors' parking?

A There are more people that would park in the visitors' parking than would park at a meter, I believe. And the visitors' parking garage is free for the first two hours, and

* * *

parking garage attracts the most visitors.

Q On the diagram that appears on Exhibit Number 4, can you tell – describe for the court where the parking garage is located with respect to, let's say, the library and archives building.

A It is the city block due east of the library and archives building.

Q So in order to orient the viewer to the Ten Commandments monument, the tour shows that the Ten Commandments monument is – or the Ten Commandments monument is reflected on the diagram as Number 9, is it not?

A That's correct.

[75] Q And Number 9 is essentially to the west of the three most frequented doors of the capitol.

A Yes, sir.

Q And facing in the southwesterly direction or toward the west entrance of the capitol.

A Yes, sir.

Q And visitors coming from the east would encounter all three, south, east and north entrances, before they would come into close contact with the Ten Commandments monument; isn't that true?

A Well, they certainly would encounter the east and the north. If they went to the south side of the building, they would encounter – would come to the south door, as well.

Q Well, in any event, the south entrance is closer to the parking garage, to the visitors' parking garage, than the Ten Commandments monument is, is it not?

A That's true.

Q Now, in order to assist the court in understanding the context in which the Ten Commandments monument appears on the capitol grounds, the defendants have produced a videotape of the entire walking tour of the capitol grounds. Have you seen that videotape?

A I have.

Q Does it accurately represent what a person might see if they followed the sanctioned, self-guided tour?

[76] A Yes, sir, it does.

MR. WINGET-HERNANDEZ: With the court's permission, Your Honor, I will set up this videotape so we can talk through that tour. It may take me just a moment.

THE COURT: This is – let me be sure I understand you. This is something that was produced for purposes of this trial?

MR. WINGET-HERNANDEZ: That's correct, Your Honor.

THE COURT: This was not a standardized video that his agency or somebody produced.

MR. WINGET-HERNANDEZ: It's not a publicity video, Your Honor. It's purely for purposes of showing what an individual following this tour would actually see on the advice of the defendants.

THE COURT: What's your exhibit number?

MR. WINGET-HERNANDEZ: Forty-three, Your Honor.

THE COURT: And there again, are we talking about Defendant's Exhibit 43 or just the generic Exhibit 43?

MR. WINGET-HERNANDEZ: All the exhibits that have been offered and admitted into evidence are joint exhibits, Your Honor.

THE COURT: So this book that he's holding here that has numerous exhibits, photographs, what have you, it skips from 42 to 44 or something, because this is 43. There's not a duplication.

[77] MR. WINGET-HERNANDEZ: There is actually – there is actually in the binder an indication that Exhibits 43, 44 and 45 are comprised of videotapes.

THE COURT: There's not a duplication is what I was getting at.

MR. WINGET-HERNANDEZ: There's no duplication, Your Honor.

THE COURT: There's only one 43.

MR. WINGET-HERNANDEZ: That is correct.

THE COURT: And how long does this production run?

MR. WINGET-HERNANDEZ: Well, the entire tour lasts 57 minutes.

THE COURT: Are you going to show all of that?

MR. WINGET-HERNANDEZ: It was my intention to show the whole thing; however, Your Honor, we have also admitted into evidence a 38-minute version of this video which speeds up the approaches and the departures from each of the points of interest.

THE COURT: Well, your witness has testified that on this self-guided tour map, that it's Number 9. Are you starting with Number 1 on your video?

MR. WINGET-HERNANDEZ: I was, Your Honor. I was going to start with Number 1. Of course, this video is in evidence.

THE COURT: How long does it take to get to Number [78] 9?

* * *

(BY MR. WINGET-HERNANDEZ)

Q Number 9 is about halfway through the tour, Your Honor.

THE COURT: So we are still talking about nearly half an hour.

MR. WINGET-HERNANDEZ: That's correct.

THE COURT: Well, one wonders whether this trip is really necessary. What do you say, Mr. Van Orden?

MR. VAN ORDEN: It depends on how the court defines context. If he starts looking at monuments on the

other side of the capitol down by 11th Street, it's a pretty good stretch to say that's part of the context.

THE COURT: Well –

MR. VAN ORDEN: I don't think it's unfair.

THE COURT: No, I'm not saying it's unfair. I'm just saying that it may be unnecessary. I can take judicial notice of where it's located and what it's close to. I have seen it a number of times. I have seen other monuments on the capitol grounds a number of times. I have been in and out of the capitol building a number of times.

MR. WINGET-HERNANDEZ: Of course, Your Honor. And we have already offered and the exhibits have already been admitted. The court certainly has recourse to those exhibits if it wishes to review them. We have provided the different [79] versions precisely so that we could meet and address this problem. The third videotape is joint Exhibit Number 45, which is about ten minutes long.

THE COURT: And what's that?

MR. WINGET-HERNANDEZ: This videotape also contains the entire tour; however, it's been edited. It doesn't – it contains the entire – all of the points at interest that are marked on the tour; however, for the most part, we are just talking about the digital still shots that were taken – that were culled out of the video that was shot and which constitutes Exhibit 43.

THE COURT: Well, I don't think it would be an efficient use of time to be showing those in the courtroom because they are in evidence. They were admitted into evidence without dispute. In fact, by agreement. And I just don't see the need for it.

MR. WINGET-HERNANDEZ: Very well, Your Honor. We won't burden the court or the audience with a lengthy video presentation.

THE COURT: I'm really not concerned about the audience.

MR. WINGET-HERNANDEZ: We would suggest to the court that – well, I'll just ask the witness.

(BY MR. WINGET-HERNANDEZ)

Q Is it your contention, Mr. Crawford, as the executive [80] director of the state preservation board that the context of the Ten Commandments monument constitutes the entire capitol grounds and all of the monuments and interpretive signs which the state preservation board has placed on the capitol grounds?

MR. VAN ORDEN: Your Honor, I object. In terms of this case, what is context is a matter for the court.

THE COURT: Objection sustained.

(BY MR. WINGET-HERNANDEZ)

Q Does Exhibit Number 4 reflect an attempt by the State of Texas through the state preservation board to assist a person who is visiting the state capitol grounds to put the monuments and the other features of the state capitol grounds in their appropriate context?

A Yes, sir.

Q With respect to that context and specifically the monuments which share the northwest quadrant of the

capitol grounds, can you tell us, please, which monuments those include.

A The northwest quadrant?

Q The northwest quadrant. That's correct.

A I guess it would be monuments Number 9 through 15 on this guide, which would be the Ten Commandments, the Tribute to Texas Children, the Texas Pioneer Woman's Monument, Statue of Liberty replica, which is a boy scout donated monument.

[81] The Pearl Harbor Veterans' monument, the Korean War Veterans' monument and Soldiers of World War I monument.

Q Now, quickly, the exhibits in the notebook which have been admitted that represent those various monuments and signs appearing on the capitol tour begins at Exhibit Number 5. I would like you to flip to Exhibit Number 5 quickly, if you will.

A Okay.

Q Isn't it true, sir, that the state preservation board has reflected the endorsement of the State of Texas on the sign which is represented there by Exhibit Number 5, about the general land office building by placing the seal of the State of Texas on the sign?

A That's true.

Q And isn't that also true of all the other interpretive signs that appear on the self-guided tour?

A I believe that's correct. The signs that reflect monuments that were no longer there and the monuments

themselves, the signs, all the plaques have the seal of the state. I believe.

Q If you'll turn to Exhibit Number 9 quickly.

A Yes, sir.

Q This is the first monument that appears on the guided tour; isn't that right?

A Yes, sir.

[82] Q And that is the monument to Hoods' Brigade, a confederate brigade?

A Yes, sir.

Q The endorsement in the form of a star or seal of Texas does not appear anywhere on this monument, does it?

A I don't see one, no, sir.

Q However, there is a representation of the relationship between the State of Texas and the confederate states that appears in the form of a flag in the center of the pedestal.

A Yes, sir.

Q Moving on to Exhibit Number 12, which is in the north side of the capitol grounds, and which is – shares the north lawn with the Ten Commandments monument, this is the peace officers' memorial and the newest one that appears on the capitol grounds; isn't that right?

A That's correct.

Q And the state's imprimatur or endorsement of this monument appears in the form of the lone star at the base

of the most prominent portion of that memorial; isn't that right?

A There is a lone star at the base of that monument.

Q With respect to Exhibit Number 13, the monument to the disabled American veterans of the State of Texas, that monument is endorsed by the seal of the State of Texas, the star with the oak leaves. Isn't that right?

[83] A Yes, sir.

Q Actually appearing embossed in the granite.

A That's correct.

Q Turning to Exhibit 15, the Korean War monument, you are aware, are you not, sir, that the front portion of this monument, which is not reflected in this photograph, contains a large brass seal of the State of Texas bearing the lone star and the laurel wreaths and so forth.

A Are you talking about on the plaque that explains the monument?

Q On the granite pedestal that appears on the south side of the monument.

A Yes, sir, I believe that's correct. And, in fact, that monument when seen from overhead is a star itself, the entire monument.

Q The Exhibit Number 16, which is the monument to the veterans of World War I, contains a star as well, does it not, showing the endorsement or the imprimatur of the State of Texas?

A It has a star on it, yes, sir.

Q And in fact it also has a reference to the deity, God, country, war, endorsed or inscribed on the face of the monument.

A I believe it says God, country, peace.

Q Excuse me. God, country, peace.

[84] THE COURT: So you endorse peace rather than war; is that correct?

THE WITNESS: Yes, sir.

(BY MR. WINGET-HERNANDEZ)

Q Yes. I think that other monuments show our endorsement of wars, do they not? Some wars?

A I think the other monuments are credits to the people who fought in various wars. I don't know that it endorses a war.

Q Good. With respect to Exhibit 17, the Pearl Harbor Survivors' Association, monument to the survivors of Pearl Harbor?

A Yes, sir.

Q This monument also bears the engraved lone star of the State of Texas, does it not?

A It has a star, yes, sir.

THE COURT: That's exhibit what, counsel?

MR. WINGET-HERNANDEZ: That's Exhibit Number 17.

(BY MR. WINGET-HERNANDEZ)

Q With respect to Exhibit Number 18, we cannot tell from this photograph whether or not Exhibit 18, a copy of the replica of the Statue of Liberty, bears the star of the State of Texas, can we?

A No, sir.

Q Are you aware whether it does?

[85] A I'm no aware.

Q And can you tell us just – tell us who gave that statute to the State of Texas.

A That statue was given to the State of Texas by the boy scouts. It was located on the south capitol grounds prior to the historic south capitol grounds restoration project. The time period for the capitol restoration period was from 1888 to 1915. So the agency sought to take the building and its contents back to that time period. There was approximately 50 years added to that period with respect to the monuments. So any monument that would have been put on the grounds very recently would have been moved to the north side because they hadn't been on the south side historically. And this monument was one of those that was moved, I believe, and there made be a plaque there that explains that.

Q The Ten Commandments monument was not however, moved was it?

A It was picked up and stored while the underground extension building was built. And it was put back in the approximate location.

Q By the way, when the monument was replaced, its orientation was modified, wasn't it?

A Yes, sir.

Q Do you know whether or not it's previous orientation was?

[86] A I believe I can look at Exhibit 4.

Q I think that's 2, actually.

A I'm sorry. I believe if it look at Exhibit 2, that I can see that the orientation was towards the north door or generally in that direction, which would make it face south and east. But during – what this exhibit does not show is a new sidewalk that goes from the general area of the monument to the John H. Reagan Building and to the Supreme Court Building. So I know that the orientation of the monument was changed during the capitol restoration project, but I do not know why.

Q Was the practical result of the change in the orientation of the monument that it became less conspicuous overall?

A I think that it is less conspicuous than had it faced the north door. And now it generally faces the intersection of an old sidewalk and a new sidewalk.

Q Has there ever been any history of the state preservation board or other agencies governing the capitol grounds and the capitol contents making changes in the orientation or placement of cultural artifacts in order to accommodate the objections of observers?

A I believe there has been.

Q Is there any reason – do you have any reason to believe that that was not the case here?

[87] A No sir. I don't have any reason to believe that it was not. But I don't know that it was. I do know about a plaque inside the building which was relocated after the restoration project, I believe in part, to put in a more obscure area than it had previously been located.

Q With respect to the exhibit number – well, before we leave Exhibit Number 18, the Ten Commandments – the reverse of the Ten Commandments monument is blank, is it not? There are no –

A What exhibit are we on now?

Q Right now we are talking about 18. I'm leading up to a question on 18.

A Eighteen. That's the boy scout one.

Q The Statue of Liberty. I'll ask you a different question. You can see the reverse of the Ten Commandments monument from a vantage point directly in front of the Statue of Liberty monument, can you not?

A Yes, sir. Not completely the reverse, but you can see the back side of the monument.

Q All right. And my previous question was, the back side of the monument, what does it reflect?

A I believe it's just blank.

Q The next monument that's depicted in the photographs is Exhibit Number 19, the Texas Pioneer Woman, correct?

A That's correct.

[88] Q That monument was established in order to promote the idea that Texans and visitors to the capitol should celebrate and understand the role that women played during the same formative period of our state that was represented by the many representations of men on the capitol grounds. Isn't that right?

A Yes, sir.

Q And this monument shares a fairly close relationship to the Ten Commandments monument, does it not?

A Yes, sir.

Q In fact, this is one of the closest monuments to the Ten Commandments monument, isn't it?

A Yes, sir, I believe it is.

Q And this monument is also endorsed by the State of Texas with a lone star appearing on the pedestal.

A There's a lone star on the monument, yes, sir.

Q Looking at Exhibit Number 20, this is – by the way, the Pioneer Woman was installed in 1998, wasn't she?

A I believe that's right.

Q And in the same year the Tribute to Texas Children was installed, according to Exhibit Number 4. Right?

A Let me look at that. I did not recall them being installed the same year, but they were installed approximately the same year.

Q That appears on the first page. If you will look at the [89] front of Exhibit Number 4 on the second column in the last paragraph.

A Pardon me. Where?

Q On the first page – I'm sorry. I'm looking at the copy on the front page. Yes. In the second column and the last paragraph. Texas Pioneer Woman 1998.

A Yes, sir. That's correct.

Q All right. And one of the purposes – well, can you speak to the purposes generally of the representation of these children?

A Yes, sir. What exhibit number was that?

Q Exhibit 20, please.

A This monument to honor Texas school children was a result of a bill that was passed by then Representative Libby Leinbarger who was involved in the chairman of the House Education Committee part of the process of coming up with the monument, was to engage an artist, sculptors type professional from Houston, who came up with My Cats, which are miniature models of these – the monuments.

And then they were put into full size and bronzed. And they basically are – this is one of the most visited monuments on the grounds, as witnessed by the fact that the grass around it – we have a hard time keeping the grass alive because little children come to have their pictures taken among the bronze kids.

[90] Q The bronze children represent a broad cross section of diverse cultures, do they not?

A They do.

Q And in fact, there is at least one religious reference among the children, is there not?

A There is.

Q Can you tell the court what that is.

A It is a cross on the school girl depicted on this exhibit. One of the young ladies is dressed in a school uniform type of outfit, and on her chest is a cross.

Q Hanging – a small cross hanging from a chain?

A That's correct.

Q Are you aware of whether – well, do the other school children have any religious – do they wear any religious symbols or other indicators, indicia of their faiths?

A I don't know. I mean I have looked at that cross recently. I see that one of the other girls has something on her neck like a necklace, but that could be a blouse. I'm not sure. I just know that the one girl has a cross.

Q Would it – was it the attempt or was it one of the specifications of the bill or the intent of the legislature expressed through the state preservation board in soliciting contributions or – not contributions, but soliciting artwork for this that the images represent a broad cultural representation of the children of the State of Texas?

[91] A I think that's probably correct. I know it was the artist's intent that we have different race children, and it was his intent that it be very diverse. I'm sure that would have been the legislature's too.

Q Is it apparent from the monument and from the work that was done in order to establish it that the message that was being sent was one both of cultural and religious diversity?

A I think so.

Q This is the closest monument to the Ten Commandments monument, is it not?

A I believe it is. The Pioneer Woman's monument that you see in the background, it's relatively close as well, but I believe this would be closer if we took a tape measure out there.

Q And is it reasonable in your opinion for an observer to understand in viewing these monuments together that this is an expression of cultural and religious diversity that might and should –

MR. VAN ORDEN: Object again. He's going into his opinion about whether a reasonable and –

THE COURT: We have let you testify a lot, counsel, but I'm going to sustain the objection to that one.

MR. WINGET-HERNANDEZ: All right, Your Honor.

(BY MR. WINGET-HERNANDEZ)

Q Mr. Crawford, isn't it your job in a sense to shape the [92] perceptions of the viewers of the monuments at the capitol grounds?

A Well, certainly we feel like our agency has over time increased its mission to be generally – you know, we manage visitors to the capitol and the museum, experience

of those facilities. So, you know, that's what we think we do. In addition to taking care of the grounds, we manage the visitor's experience.

Q In managing the visitor's experience, was it your intent to convey a secular message of tolerance for diverse cultures and religions by putting this monument up?

A Well, I certainly believe that would have been the author's intent, to show diversity. And I believe that's what the legislature knew they were buying into when the monument was passed. You know, the artists a lot of times have a lot of freedom as well. I believe that that was the legislative intent, was to show the diversity.

Q If it had been the purpose of the legislature to endorse Christianity or Judaism, would it have been possible – without respect to whatever your legal opinion might be about it, but would it have been possible for them to specify figures, all of which contain either specific references to Christianity or Judaism, in order to show that endorsement?

THE COURT: Are you still talking about the children's monument?

[93] MR. WINGET-HERNANDEZ: Yes. I'm still talking about the children right there next to the Ten Commandments.

THE WITNESS: Ask it again, please.

(BY MR. WINGET-HERNANDEZ)

Q Wouldn't it have been possible for the state to specify that not just one out of six of the figures show some

religious affiliation, but all of them show that they are either Christians or Jews?

A I mean I suspect that the legislature could have done, you know, whatever it wanted to do with respect to that, but you are asking me to – I do not know whether the fact that one of these children has a cross was the intent of the legislature or whether it was, you know, the freedom that the artist had. I can refer to a terrazzo floor in the museum which we commissioned a friend of mine to design. It's a campfire scene as seen above. And there's a mission there, and there's a missionary. Both the mission has a cross on top of it and the missionary has a cross. That's not something we commissioned. We didn't tell the artist to do that. That was the artist's decision. That's what he dreamed up.

Q In fact, isn't it also true that all the monuments that appear in the capitol grounds are donated in some form or another to the State of Texas by someone else?

A With the exception of the newest monument, in which the [94] legislature did some cost sharing, the peace officers monument. The rest of the monuments, my understanding, were all donated – the funds from those monuments were all donated; they were not appropriated money.

Q And the artistic expression of the donor is not the subject of legislative enactment in any case except perhaps the peace officers memorial; isn't that correct?

A That's my understanding, yes, sir.

Q And that is also evident in the way – in the appearance of Exhibit Number 21, the Ten Commandments monument; isn't that true?

A This was a monument that was contributed, donated to the state by the – as it reads here, by the Fraternal Order of Eagles of Texas in 1961.

Q And it's quite clear that the legislature had nothing to do with the artistic expression or the ecumenical statement that was being made in the face of this monument; isn't that right?

A The written record referring to this monument refers to the senator who passed this senate resolution or this House member. There's no reference to any other action other than the vote was unanimous in the Senate and, I believe, also in the House.

Q So we can – while we are there, let's look quickly at Exhibit Number 1.

[95] A Okay.

Q Exhibit Number 1, in the second – well, in the first paragraph explains that the Fraternal Order of the Eagles for several years has placed across the country in courtrooms, classrooms and public places parchment plaques and granite monoliths of the ten Commandments. And then it goes on to say, "These plaques and monoliths have been presented by the Eagles to promote youth morality and to help stop the alarming increase in delinquency."

Do you see that?

A Yes, sir.

Q Does it appear to you that the Senate jointly with the House was adopting – by accepting this gift was adopting the purpose that was expressed by this bill?

A Yes, sir.

Q Additionally, it also indicates in the last paragraph that the Eagles of the State of Texas be commended and congratulated for its efforts – that the order be congratulated for its efforts in contributions and combating juvenile delinquency throughout our nation and granted permission to have the monolith placed on the grounds.

A That's correct.

Q And in fact, among the – among the rationales for placing the monument on the state grounds, this is the one – this one is independent of the Eagles, is it not? I mean the [96] state here is congratulating the Eagles; the Eagles are not really congratulating themselves.

A That's correct. This is Senate Concurrent Resolution Number 16, 1961.

Q All right. And it shows – the exhibit further goes on to show the history of – the legislature history of the adoption of that restitution.

A That's right. And that's all the history that I believe we could find.

Q Please look at Exhibit 21 again. Now, you have during – in preparation for this trial you have examined the Ten Commandments monument in some detail, have you not?

A I have.

Q Have you found the endorsement of the State of Texas on this monument in the form of a seal of the State of Texas or a star?

A I have not.

Q And no such –

A There are two stars, but they are six-pointed stars as opposed to five, I believe, on the monument.

Q Moving on to Exhibit Number 23.

A Okay.

Q This is the next monument that appears on the tour, is it not? And that is the monument to the fighting men of the 36th Infantry, which is the Texas division of the national [97] guard?

A Yes, sir.

Q And then Exhibit Number 24 is a tribute to the soldiers who served in the Spanish-American War?

A That's correct.

Q Next on the tour would be an exhibit, Exhibit 26, which is a tribute to the Texas cowboy?

A That is correct.

Q Now that was a gift from somebody outside the State of Texas, wasn't it?

A What exhibit is that?

Q Exhibit Number 26.

A I'm not sure.

Q Exhibit Number 30 is the next exhibit on the tour, isn't that right?

A Yes. That's Terry's Texas Rangers.

Q And the lone star appears on this monument on several places, does it not?

A I don't see it in the picture.

Q It's not apparent from the photograph. Are you aware that the state seal or the lone star appears on this monument?

A I'm not surprised, but I was not particularly aware of that. If you say it's there, I'm sure it is.

Q Let's look at Exhibit Number 31.

[98] A Yes, sir.

Q This is the next monument on the tour, is it not?

A Yes, sir.

Q And it reflects the events of the battle of the Alamo.

A It is a tribute to the heroes of the Alamo.

Q And of course the lone star is emblazoned or all four ordinants of this particular memorial, is it not?

A I believe that's correct, yes, sir, and certainly you can see one of them in this paragraph.

Q Behind the photograph you can see on the pediment to the north entrance – excuse me – to the south entrance of the capitol the seals of the six nations of Texas; isn't that right?

A Yes, up at the top of the building.

Q And that also appears on the pediment of the north entrance to the building, correct?

A That's correct. And those two seals are also referenced in the rotunda floor as well.

Q So there's three separate representations of these seals that are prominently displayed for the public to see?

A Yes, sir.

Q And those – the seals over the doors are not historical to 1888, are they?

A No, they are not.

Q Tell us why those seals are there.

[99] A Well, during the restoration project the – you know, there's always a tug of war between someone who is really a preservationist and maybe someone who is maybe not so committed. And because this was a newer feature to the capitol, was outside the restoration period, they were not put back on the building. In the next session after the restoration period the legislature passed a law and said put them back. So that was about the time I got there. And one of my first functions was to put them up there. They are there by legislative directive.

Q Are there religious or mythological references in those seals that are apparent to any observer?

A I believe that –

MR. VAN ORDEN: I'm going to object whether they are apparent to any observer.

MR. WINGET-HERNANDEZ: Let me ask you a different way.

THE COURT: The objection is sustained. He can't testify as to what some observer might or might not observe.

(BY MR. WINGET-HERNANDEZ)

Q The seals that appear on the pediments of the north and south entrances, generally speaking, are they visible from most vantage points, either north or south of the capitol?

A Generally speaking, they are. They are pretty high up. I mean the same seals are replicated in the floor when you [100] would stand right on top of them.

Q And the subject matter of the seals, does the subject matter include references to any cultural sort of ideology or mythology or religion?

A I believe at least one and possibly two reference the seal of – the country of Mexico has a bird with a snake, I believe, in its mouth and had to do with – I don't know if it's mythology, but some – why Mexico City is located where it is, which I have been told has to do with some native Mexican mythology with respect to that location of the city.

Q And is it the position of the state preservation board that the state is taking – is endorsing the religion of ancient Aztec mythology by making those seals a prominent fixture on the capitol entrances?

A I don't think so.

Q Or on the floor of the rotunda.

A I don't think so.

Q There are, incidentally, other references to deities on monuments throughout the capitol grounds, are there not?

A There are.

Q And throughout the capitol building itself?

A That's true.

Q Moving on to Exhibit Number 34, which is the tribute to the volunteer firemen –

A Yes.

[101] Q – this exhibit is one of the last stops on the self-guided tour, is it not?

A I believe it is, yes, sir.

Q And it's placed towards the south entrance of the capitol grounds? Number 4. On Exhibit Number 4?

A Yes, sir. That's right.

Q That monument is endorsed by the State of Texas as reflected by the star, the lone star that appears on the pediment as well; isn't that right?

A The moment has a star on the monument, it looks like.

Q Finally the last monument in the tour is the monument to the confederate dead, which is –

A Yes.

Q – also located at the south entrance to the capitol, correct?

A That's correct.

Q Exhibit Number 38 reflects a close view, a photograph of the seals that appear on the north entrance; isn't that correct?

A That's correct.

Q And the documents behind it reflect the legislative – the legislative appropriation directing their replacement after the renovation?

A It was in on a rider to an appropriations bill, I believe, that suggested that we put those seals up before we [102] appropriate any money.

Q Exhibit number –

THE COURT: Pretty strong suggestion.

THE WITNESS: Yes, sir.

(BY MR. WINGET-HERNANDEZ)

Q Excuse me. Exhibit Number 39 shows a close-up of the seal that you were referencing that depicts the Aztec myth.

A Yes, sir.

Q And then in Exhibit 40 it shows the terrazzo floor containing the seals of the six nations on the floor of the rotunda and describes what the contents of the various seals are and what they suggest.

A That's correct.

Q This publication that is a part of Exhibit Number 40 is actually text for a brochure that is provided to the public, is it not?

A I believe that's correct.

Q And it discusses the Mexican seal featuring the Aztec legend concerning the future location of a capital in Mexico?

A Yes, it does.

Q And then other efforts that the state preservation board has made to create a historical context for – a faithful historical contact for visitors to the capitol include efforts to restore certain rooms; isn't that correct?

A That's correct.

[103] Q Exhibit Number 41 reflects such a restoration, does it not?

A Can I –

Q Exhibit 41.

A Can I go back? Can I go back to the last question?

THE COURT: You want to complete an answer? Go ahead.

THE WITNESS: Yes. I want to make sure that the question before last, which had to do with the reference of the Mexican seal within this – you know, I answered that yes, it did contain that. I'm not seeing it here. Would you point that out to me.

(BY MR. WINGET-HERNANDEZ)

Q Of course.

A I believe it's there, but I haven't seen it.

Q Page – there are three pages of text following the photograph.

A Right.

Q The second one, which is Page 7.

A Uh-huh.

Q In the second paragraph?

A Right.

Q The first sentence.

A Right.

Q Reads the Mexican seal features –

[104] A The feature location, yes, sir.

Q All right. Exhibit 41.

A Yes, sir.

Q Describe for the court, please, what restoration effort the state preservation board went to in order for us to be able – for visitors to be able to see the faithful historical context of the capitol and it's contents.

A Okay. This is a subject that I do know quite a bit about. During the capitol restoration project and in the planning for the project, I as a member of the speaker's staff and, I believe, the speaker as well – I know the speaker and others involved in the legislative process were very concerned that this restoration process would turn the capitol into even more of a museum than it already was. And it had – the concern had to do basically twofold; one, experience that we had heard of that happened in California, where they restored the building so much back to the way it was, it wasn't practical to be an office building.

So, you know, we wanted to make sure that this was a functioning capitol once it was through, and we didn't just turn it into a museum where we had to go down the street and build a capitol.

So this Exhibit 41 reflects the old Supreme Court room, which is one of the ten most historically significant rooms in the capitol, and is one of the rooms that is more like a [105] museum than we would have wanted, than I would have wanted at the time in my then capacity.

The room across the hall from this on the third floor is The Court of Criminal Appeals, and it too is like a museum room. One of the reasons that his Supreme Court is so fabulously restored is because we got a big grant from some corporation to do that. And this is probably the most historically significantly restored room in it.

There's also the Treasurer's building room on the first floor where the tour guides are. The House and Senate chambers themselves are among the ten most historic places, as is the agricultural museum, which appears on the first floor on the northwest corner. And that room is specifically called a museum.

Then there's the original governor's office and the secretary of state's office. I'm sorry. What the others are doesn't come to mind immediately, but, you know, certainly if the building wasn't a museum before the restoration project, it certainly was more of a museum afterwards; and this room shows that.

Q One of the features in this room – describe to us the features in this room essentially that are actually original pieces and the ones that are not. Just very briefly.

A Some of these – well, I know the dais, the court's dais, is original to the room. Over a period of time that [106] dais – because the court grew from three judges to nine, the dais was expanded and moved to the other side of the room, and a big window was covered over. And that's because of the placement of the two doors on the north side of the room wouldn't allow for a dais big enough to accommodate nine people.

So during the restoration process, this dais was taken back to its original size and put back on the south side of the room. And the drapery there is obviously not original, although I understand that the preservation board staff at the time was able to find a piece of the drapery someplace, and they had it replicated to the extent they could.

The carpet in this room is replicated based on finding a piece of the original carpet. Some of the furnishings in the room are original and some are – some are replicas; and I'm not trained to know the difference, but my staff certainly can tell you.

Q Speaking of the difference in your staff's directives with respect to reproductions and historical artifacts, have you directed the state curator to take charge of historical artifacts in an accounting sense?

A Certainly our – the capitol – the curator of the capitol accounts for each of the historic objects in the capitol, and there's a number assigned to each object. And there's a computer bar code assigned to the objects, and she [107] does keep an inventory by number of objects.

Q These numbers include designations such as CHA and RCHA, isn't that right?

A Capitol historic artifacts and replicas, those two different classifications.

Q And each object actually has eight a CHA number or an RCHA number, if it's an historic artifact; isn't that right?

A I believe that's correct.

Q In this room, for example, the bench of the Supreme Court would have a CHA number.

A That's correct.

Q And the chairs or some of the chairs, which are reproductions, would have an RCHA number, correct?

A That's correct.

THE COURT: Are you leading up to something relevant to this case?

MR. WINGET-HERNANDEZ: I am. I am, Your Honor.

(BY MR. WINGET-HERNANDEZ)

Q My next question, which is, does the Ten Commandments monument on the capitol grounds have a CHA number.

A I believe it has a CHA number, yes.

Q Finally, with respect to the Supreme Court courtroom in the capitol, the dais or as you referred to it, the dais or the bench of the Supreme Court, has an inscription on it as well; isn't that right?

[108] A That's correct.

Q And that inscription is faithfully reproduced on the last page of Exhibit Number 41.

A That's correct.

Q And that Latin inscription has been translated for publication to visitors and other interested persons as, quote, Just as to our father's, may God be to us. End quote.

A That's true.

MR. WINGET-HERNANDEZ: If you'll give me just a moment to confer with my co-counsel, Your Honor, I think I may be ready to pass this witness.

We will pass the witness, Your Honor.

MR. VAN ORDEN: May we take a short break?

THE COURT: Yes, we may. Short recess.

(Brief recess).

THE COURT: Any questions for the witness?

MR. VAN ORDEN: I have just a very few questions, Your Honor.

CROSS-EXAMINATION

(BY MR. VAN ORDEN)

Q Hello, Mr. Crawford.

A Hello.

Q Mr. Crawford, I believe from your testimony you recognized that the 1961 legislature in the joint resolution – I believe we have here is Exhibit 1 – accepted [109] from

the Fraternal Order of Eagles of Texas the donation of the Ten Commandments monument.

A That's correct.

Q And that the legislature set forth their purpose in doing so and in displaying the monument. Is that correct?

A Yes, sir, that's correct.

Q Now, in several parts of your testimony on direct examination I thought I understood you were trying to articulate one or more purposes for displaying the monument today that are in addition to or perhaps different from what the '61 legislature said. Is that correct?

A Well, certainly the monument today is part of history. And so that would be, I think, in addition to what they intended at the time. It's been there since 1961. Forty-one years.

Q Were you trying to articulate a purpose or purposes for the state preservation board or the State of Texas displaying that monument on the state capitol, that those purposes being in addition to or different from what the '61 legislature said?

A I think the '61 legislature referred to the morality of youth, and certainly, you know, I don't think that would be any different today.

Q So that purpose to promote morality, that purpose holds today with the state preservation board.

[110] A Certainly.

Q Are there other purposes that you were trying to articulate on direct examination for displaying the monument?

A I believe I testified that at least some of the commandments are the basis of what our laws are, what I understand, you know, our laws to be. And again, I think that this monument in and of itself is historic.

Q All right. So do I understand that one purpose, then, one additional purpose is, the monument is being displayed to celebrate it as a source of western law? I don't want to put words in your mouth. It sounded like that's what you were saying.

A Well, the monument refers to the Ten Commandments. A lot of the Ten Commandments, you know, are reflected in the law. Thou shalt not kill. It's illegal in Texas to kill someone, I believe, except in self defense. There are other commandments that – there are laws that prohibit the same action that the commandment advises against or commands.

Q Is that a purpose of the state preservation board in displaying that monument?

A I mean the monument isn't doing anything wrong being there. Our charge is to take care of the monument and to maintain it. You know, I think that you have to look at the Senate concurrent resolution on its face and say that that was the legislative intent that established the monument at [111] the time.

THE COURT: It's a real simple question that could be answered with a yes or no, I think.

THE WITNESS: Okay. I'm sorry. Could you repeat it?

THE COURT: Is that a purpose for the state preservation board in displaying the monument. Yes or no or I don't know.

MR. VAN ORDEN: Celebrations –

THE COURT: Don't start talking until he answers.

THE WITNESS: I don't know for sure.

THE COURT: Next question.

(BY MR. VAN ORDEN)

Q Can you think of any other purposes that the state preservation board has or that the State of Texas has for displaying the monument as it's displayed other than what the '61 legislature said in their joint resolution?

A Again, the fact that it's been there for 41 years and it's historic in and of itself.

Q Before today has there ever been an agenda item before the state preservation board where the board voted on a purpose or purposes for displaying the Ten Commandments monument?

A I don't think so. But I don't know that to be true. The board inherited the Ten Commandments monument when it was [112] established in 1984 after the 1983 fire at the capitol. So whatever inventory it was on before the creation of the board is how we acquired it. And since, you know, it's been our mission to maintain it.

Q On your watch the board has never had an agenda item where it voted on establishing one or more purposes for displaying the monument; is that correct?

A That's correct. Not on my watch.

Q Before today have you publicly made a pronouncement as to a secular governmental purpose for displaying the Ten Commandments monument before taking the witness stand today?

A You know, certainly in preparation for today, you know, we have discussed this. So if your question is – could you ask your question again?

Q Yes, sir. My question is whether or not the state preservation board had made a public – I don't mean working with your lawyers in getting ready for today, but the board itself, has it ever made a public declaration or issued a resolution declaring that the monument is being displayed for a secular purpose and maybe defining what that purpose is?

A Not to my knowledge.

Q To the extent that you have attempted today during your testimony to articulate a secular purpose, would it be fair to say that this is the first time, in court today, that the board through you or through someone else has attempted to [113] articulate a secular purpose?

A What I attempted to do today was answer the questions.

Q I know that. Sure. But is it your belief that the board does have a secular purpose for displaying the monument different from what the '61 legislature said?

A You know. I think there are arguments that you could make that there are secular purposes.

Q I understand there may be arguments you can make, but does the board have a purpose in displaying the monument? Not that – you could make arguments all day, but when those arguments are finished and the board can say, "Here's why we are displaying this monument" –

A Well, I think that the board still feels the way the resolution that created it did, that has to do with morality and –

Q Okay. That's fine.

THE COURT: Don't interrupt while he's answering the question. Please go ahead and complete your answer.

A The board is interested in maintaining the monument there, and they don't want to take it down.

Q I'm sure that's certainly true. You indicated, I think, when you were talking about the board creating the pamphlet that's essentially on the walking tour, independent walking tour, that it's passed out to capitol visitors if they want to go see the monuments. They have the guide there. And I [114] thought when you began your testimony in that area, you indicated that that walking tour was created for the purpose of putting the Ten Commandments monument in context. Is that correct? Is that why that was created?

A I don't think I indicated that. I think that I answered questions of counsel in that this walking tour does in fact put it in context. But whether or not that was the purpose, I wouldn't think – the purpose of the tour is to

guide people through the monuments and give them some background on each. It also – the further purpose of the self-guided tour is to show people where monuments use to be. Monuments such as the Austin Lawyers' Wife Star or the realtors monument, which was there from 1976 to 1996.

But because it wasn't part of the historic restoration period, the monument was removed and now there is a bronze plaque along the walkway near the monument, near where the realtor's monument stood that says, "On this site stood the realtors' monument, the realtors' centennial monument, for twenty years, from 1976 to 1996.

And the same kind of plaque appears where the lagoon on the west side of the building used to be. It also appears – again, the Austin Lawyers' Wife's Star and maybe other places for a period of time. But it wasn't there during the historic restoration period. So we have a plaque that says, [115] on this site used to stand this greenhouse, and this is about the greenhouse.

Q I think earlier you testified that one of the functions of the state preservation board was an educational function.

A Yes, sir.

Q Does the display of the Ten Commandments monument fit into an educational program of the board's?

A I don't think it would be adverse to any educational program that we have.

Q Is it part of – I mean are you displaying it as a part of an educational program?

A I don't know that it's a part of it. I just don't think it's adverse to it. I mean, you know, the whole capitol and the grounds and all the monuments are educational.

Q Is the display of the Ten Commandments monument a part of an educational program that is promulgated and put into effect by the state preservation board?

A It's part of history.

Q Is it a part of the educational program?

A It's certainly – I don't know how – to me it would be part of an education program because, you know, it educates our youth and others as to things that you should do and should not do. But whether we have incorporated it into our educational program, I can't say that. It is talked about in this tour.

[116] Q Is part of the purpose of it being out there to teach the youths of Texas the precepts on that monument?

A I think part of the purpose of it being there is to teach the youth of certain life standards and guidelines to follow to, you know, have a better morality among youths.

Q As articulated on that monument?

A I think the monument says you shouldn't kill people.

Q It does?

A And I think the monument says other things that we have laws that are similar to. And to the extent that that's educating someone, I think that it's educational. But I don't know that it was an intentional part of our educational function to say that it is educational.

Q Let me ask you if you can just –

A I'm trying.

Q I know you are. I was sitting up there before trying too, so I'm sympathetic. Let me ask you one more time. You said that part of the function of the state board is education.

A That's right.

Q And my question was, is the display of the Ten Commandments monument an element in that educational function of the state board.

MR. WINGET-HERNANDEZ: I think he's answered the question, Your Honor.

[117] THE COURT: I thought his answer was that it was not adverse to it, but I'm not sure that that's really directly an answer. See what you can come up with.

MR. WINGET-HERNANDEZ: I withdraw the objection.

THE WITNESS: Your Honor, if the monument were removed for some reason, then, you know, what we have done in other places where the monuments have been removed is to have a bronze plaque that explained what used to be there. So I would suggest that it would not be inappropriate to have a plaque that said, if it were removed, that on this site stood a monument for 41 or 42 years in tribute to the Ten Commandments. And here's what is said.

That would be educational at that point because it would tell you about a history, something that took place there for, you know, that period of time, 41 or two years. I

think – my personal belief is that the Ten Commandments are part of history and they are educational as well in a sectarian sense as well as in a religious sense. That's my opinion. I don't know how to answer your question without giving my opinion.

(BY MR. VAN ORDEN)

Q Let me see if I can help you along. If I were to concede that teaching of the Ten Commandments is not hurting anybody –

A That's what you testified to.

[118] Q The U.S. Supreme Court even said it may be a laudable goal, it may be a laudable function to teach the Ten Commandments. So we are not talking about it in those terms. But I'm just trying to determine whether as far as the educational program that monument is part of it and it is – in furtherance of an educational program, we are using it to teach the youth the precepts on the monument.

A I think that's –

Q I'm not trying to put a value judgment on it.

THE COURT: He was about to answer, and you interrupted. Go ahead.

A I think that's in the eye of the beholder. And in my opinion there's a lesson to be learned by knowing what's on that monument. You know, I have already spoken to the history of the monument itself and the history of the words on it. But, you know, I can tell you that our board has taken no formal action saying that this monument is here, so we teach these children this. The original action

was that we addressed the morality, the decline of the morality of our youth.

Q Okay. I think that's as far as we can go with that. We are kind of going in circles now. Let me ask – one of the photographs; it would be Exhibit 49 and Exhibit 50, the photographs that I contributed to this book.

A Forty-nine and 50?

[119] Q Yes.

A Okay.

Q I guess 48 and 49, probably.

A Okay.

Q Those photographs, you agree, depict how the monument is displayed?

A Yes, sir.

Q What's around it, what's nearby and what the viewer sees when he looks at the monument?

A Yes, sir.

Q Has the State of Texas, state preservation board in particular, taken any action to try to mitigate a perception that may flow from that display in that context that the state is endorsing religion or endorsing the Ten Commandments or endorsing Christianity and Judaism? Has the state taken any action to do that?

A To do what now?

Q To mitigate –

A And that means diminish?

Q Diminish –

THE COURT: Any kind of disclaimer. Have you disclaimed endorsement?

(BY MR. VAN ORDEN)

Q Disclaim endorsement. Have you done anything to disclaim endorsement?

[120] A I don't think so.

Q Have you done –

A We haven't endorsed it. I don't think there's been any formal action on the monument.

Q The court will end up deciding that. Whether it's endorsement or not is a legal question, I guess.

THE COURT: He's asking you the reverse of that, whether you have taken any affirmative action to disclaim endorsement.

THE WITNESS: I don't think we have taken action one way or the other.

THE COURT: Either way.

(BY MR. VAN ORDEN)

Q Have you taken any action to disclaim a religious purpose in displaying the monument that a viewer would see?

A I don't think we have taken any action one way or the other on this monument other than to accept it. The inventory was given to the agency and to maintain it since.

MR. VAN ORDEN: Your Honor, I believe I have no further questions.

THE COURT: Any other questions?

MR. VAN ORDEN: Thank you, sir.

THE WITNESS: Thank you.

REDIRECT EXAMINATION

THE COURT: This would be redirect, I suppose.

[121] MR. WINGET-HERNANDEZ: Yes, Your Honor.

(BY MR. WINGET-HERNANDEZ)

Q First of all, you testified as to what you would do – you testified on cross-examination as to what you would do it you were ultimately ordered to remove the monument in terms of you would replace – you would put a plaque there. Right?

A That would be my suggestion.

Q And you described what the plaque would contain.

A Right.

Q And you testified that it would contain a representation of what the inscription on the now absent monument had been.

A That's correct.

Q Which is the Ten Commandments. Right?

A That's correct.

Q And what would you do, if you had your choice, with the monument itself if it were ordered removed from its present location?

A Because we operate the Bob Bullock Texas State History Museum and because there is some credit for historic artifacts from the capitol being at the museum, I would suggest that if we were required to move it after whatever legal process concluded, that we consider putting it in the museum. Maybe next to the Goddess of Liberty. You know, the original Goddess of Liberty that was on top of the capitol for over a hundred years was made out of zinc and, as such, [122] it couldn't be restored during the restoration process. So it was replicated out of aluminum. And the statue that you see on top of the building now is a replication of the original. The original is at the Bob Bullock Texas State History Museum. So I would think that would be an appropriate place for it if we were required to move it.

Q So what you are telling us then is that – if you look for an example at Exhibit Number 6. You mention that the sign would be similar to the sign like is shown in Exhibit Number 6 that has a picture of the object that no longer exists or no longer is in the position. And then it has text describing it. That would be the nature of the plaque.

A Yes.

Q Right?

A It would be just like all the other plaques, I would suspect.

Q So what we would have is, we would have a plaque with a photograph of the Ten Commandments monument.

We would have text reproducing the Ten Commandments themselves and then we would have another display in the other museum, which is the Bullock museum, of the actually Ten Commandments itself.

A That would be my suggestion.

Q Resulting in essentially two more iterations of the Ten Commandments at the location where the monument is now and then the third monument in a public place in the museum, in [123] the Bob Bullock museum.

A That would be my suggestion.

Q All right. Exhibit Number 4, the self-guided tour, is produced by the state preservation board, right?

A That is correct.

Q And when – do you understand that the production and the dissemination of this Exhibit Number 4 constitutes state action?

A I hadn't thought of that, but it certainly, I guess, does.

Q When you were answering Mr. van Orden's question about the state not taking any action to disclaim a religious endorsement, were you thinking of some kind of act of Congress?

A I was thinking about some formal board meeting or some act of the legislature.

Q All right. In fact, on your direct examination didn't you testify that the very placement of the monument itself is designed to emphasize not the religious aspect of the monument, but its secular relationship to our laws?

A You know, I would have to read exactly what I testified to, but I would think that – could you ask the question again.

Q Let me take it back one step further. Didn't you testify on direct examination that the monument was placed [124] where it was originally, in the studied opinion of the board of controls –

A That's correct. Between the courtroom and the rotunda of the capitol.

Q Did that constitute state action?

A That did at the time.

Q And in your opinion does that action – was that action taken to mitigate or ameliorate the impression of endorsement of religion?

MR. VAN ORDEN: Your Honor, if I could object.

THE COURT: Sustained. The action, whatever it was, speaks for itself.

(BY MR. WINGET-HERNANDEZ)

Q In taking the action of creating the tour, was it the purpose of the state board, the state preservation board, to put the monument in the context of the other monuments and artifacts on the state grounds?

A Certainly.

Q In your opinion does the placement of the monument within the context of the other monuments, by its physical location or by its position in the self-guided tour, tend to mitigate the message of religious endorsement that might appear to you from the face of the monument?

A Well, it's certainly one of the smallest monuments that we have. It's not in the most prominent location. It's not [125] as though it were at the front door, which is the south door. It's at the north door, which is less used. So I think in the context of all the other monuments and the building itself, which to some extent is a monument, it's pretty small by comparison.

Q You say the building itself is a monument. You mean that in a general sense, I suppose. Do you know – let me ask you a different way.

In your mind the capitol itself is a monument to what kind of ideals or aspirations?

A The capitol itself was a monument to, you know, really big thinking people at the time who were so broke that they didn't have the money to pay for a capitol building, but who had a lot of land and traded 3 million acres in what is now the panhandle, to the Farwell brothers out of Chicago, who in exchange for the 3 million acres that was called the XIT Ranch, came here and built the largest state capitol, I'm sure, at that time.

You know, it was on a prominent hill. It was a monument to the strong will of the people who, you know, founded and ran the state at that time.

Q In reducing your testimony to its essence, is it fair to say that the capitol is a monument to the strength of the State of Texas and to the freedom of its people?

A It is to me.

[126] Q Sir, those ideals or those ideas that are expressed by the monument of the capitol itself are secular ideas, aren't they?

A I believe they are.

Q And the monument of the capitol itself far overshadows the monument of the Ten Commandments in your opinion, doesn't it?

A Literally.

Q The monuments that were placed in close proximity to the Ten Commandments monument fairly recently – and here I'm speaking specifically of the Texas Pioneer Woman and the Texas Children. Those are monuments to cultural diversity and – well, of all kinds of diversity, are they not?

A I believe they are.

THE COURT: You are getting a little repetitious now, counsel. This is supposed to be redirect.

MR. WINGET-HERNANDEZ: My point here, Your Honor – and what I'll get down to is –

(BY MR. WINGET-HERNANDEZ)

Q Sir, on cross-examination you testified that you weren't aware of action taken to disclaim endorsement. Are you limiting that testimony on cross-examination to formal action as in passage of a bill or a resolution or something of that effect?

A I'm limiting it to a formal board member meeting. I [127] can't think of any meeting that we have had since I have been executive director where the board took a position one way or the other on this monument. And I can't think of any legislative action since I have been there, either.

MR. WINGET-HERNANDEZ: Pass the witness, Your Honor. Any other questions on recross?

MR. VAN ORDEN: No, Your Honor.

THE COURT: No recross. You may step down. Any other defense witnesses?

MR. WINGET-HERNANDEZ: We are not bringing any more witnesses, Your Honor.

THE COURT: Let's get our original exhibits back. The witness had them up there. No further witnesses for the defense?

MR. WINGET-HERNANDEZ: No further witnesses, Your Honor.

MR. VAN ORDEN: I have nothing further.

THE COURT: So you rest and close?

MR. VAN ORDEN: I'm sorry, Your Honor.

THE COURT: You close?

MR. VAN ORDEN: Yes, sir.

THE COURT: You, too?

* * *

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TEXAS
AUSTIN DIVISION

THOMAS VANORDEN,	§	
Plaintiff,	§	
	§	CIVIL ACTION NO. A 01 CA 833 H
RICK PERRY, et al.	§	
Defendants.	§	
	§	

STIPULATIONS OF THE PARTIES

TO THE HONORABLE JAMES R. NOWLIN, UNITED STATES DISTRICT JUDGE:

Plaintiff THOMAS VAN ORDEN, and Defendants RICK PERRY, in his official capacity as Governor of Texas and Chairman, State Preservation Board; BILL RATLIFF, in his official capacity as Co-Vice Chairman, State Preservation Board; JAMES E. "PETE" LANEY, in his official capacity as Co-Vice Chairman, State Preservation Board; DAVID CAIN, in his official capacity as Member of the State Preservation Board; TONY GOOLSBY in his official capacity as Member of the State Preservation Board; JOCELYN LEVI STRAUS in her official capacity as Member of the State Preservation Board; RICK CRAWFORD in his official capacity as Executive Director, State Preservation Board, file their Stipulations of the parties, and would respectfully show the Court as follows:

1. In 1961, the State of Texas, by a Joint Resolution of the Texas House of Representatives and the Texas Senate, accepted from the Fraternal Order of the Eagles of Texas, a private entity, the donation of a granite monument inscribed with the Ten Commandments for installation on the Capitol grounds.

2. The Senate Concurrent Resolution (No. 16) appears as Exhibit 1.

3. The legislative history of the enactments in the House and Senate contain no record of any discussion about the monument, or the reasons for its acceptance, and is comprised entirely of the House and Senate Journal entries which appear as part of Exhibit 1.

4. The promotion of morality is a valid secular purpose.

5. The donation included installation at a site selected by the State. The physical labor and cost of installation were borne exclusively by the Eagles.

6. The site location was considered and recommended by the Building Engineering and Management Division of the State Board of Control. The recommendation appears at Exhibit 2.

7. The location of the monument is roughly on a line drawn between the Supreme Court and the Rotunda, about 75 feet from the Capitol, measured due South from the monument to the nearest wall. The original site and orientation of the monument comports with the recommendation shown at Exhibit 2.

8. Ownership of the monument passed to the State at the time of installation.

9. The monument's dedication was presided over by Senator Bruce Reagan and Representative Will Smith. No official record exists of the participation of any other person.

10. The monument was continuously displayed on the Capitol grounds until it was removed and placed in

storage for its protection in June 1990 at the direction of the State Preservation Board for the excavation and construction of the Capitol Extension.

11. The monument was re-installed at its original location on March 26, 1993 at the direction of the State Preservation Board. The cost of removal, storage and re-installation of the monument was included in the total price of the Capitol Extension Project. The Project was paid for with funding appropriated to the State Preservation Board.

12. Upon its re-installation, the monument was turned to face Southwest, toward the West entrance of the Capitol. This constituted a variance of almost ninety degrees from its original Southeast-facing orientation.

13. The State Preservation Board maintains all monuments located on the Capitol Grounds including the Ten Commandments monument.

14. In 1995, the monuments were surveyed in preparation for the Historic South Capitol Grounds Restoration Project. This survey was authorized by the State Preservation Board. There were a total of 24 monuments surveyed, including the Ten Commandments monument.

15. The survey cost of $30,000 was for the complete monument collection. An individual cost per monument is not available. This cost was paid by the State Preservation Board.

16. During the Restoration Project (September 1995 to May 1996), the State Preservation Board spent $402,000 in donated and granted funds to clean, stabilize and refinish all monuments. The individual cost per monument is not available. The Ten Commandments monument

is very simple in terms of materials and needed only to be washed and polished.

17. In 1998, the monuments' conservator returned to conduct a preventative maintenance check, make minor repairs as necessary, and to train State Preservation Board facilities personnel in proper conservation techniques. The cost of this project was $22,000 for the entire monument collection, paid for by the State Preservation Board. There was no need to engage in any preservation work on the Ten Commandments monument at that time.

18. The Ten Commandments monument is maintained by the State Preservation Board facilities division on a regular basis, approximately every six months. This maintenance consists entirely of washing the monument with water and detergent, and polishing it with a cloth. No other maintenance of the Ten Commandments monument has ever been required.

19. Because of its simple construction and durable material, the State Preservation Board does not anticipate the need for any other kind of maintenance or preservation for the Ten Commandments monument in the foreseeable future.

20. The State Preservation Board has promulgated, and publishes a self-guided walking tour of the Capitol Grounds.

21. The Capitol, together with its grounds and the monuments erected maintained there, constitute a National Historic Landmark. Exhibit 3.

22. The Ten Commandments monument is one element of a legally-protected National Historic Landmark.

23. The published self-guided tour, together with photographs of the monuments and the foundry's proofs of the interpretive signs appear as Exhibits 4 through 37.

24. A videotape of the tour, showing the entire length of the walk prescribed by the State Preservation Board, appears at Exhibit 43. A second videotape, edited to show the walks between points of interest at high speed, appears at Exhibit 44. A third videotape fo [sic] the same tour, edited to show only the immediate views at each of the monuments and interpretive signs along its course, appears at Exhibit 45.

25. The State Preservation Board publishes literature about the Capitol Complex for distribution to Capitol visitors. This literature is made available through the Capitol Complex Visitors Center and the Visitor Services-Capitol Tour Guide Office, both divisions of the State Preservation Board.

26. The State Preservation Board maintains a web site which includes a photograph of the Ten Commandments monument. A partial reproduction of the website appears at Exhibit 46.

27. The Visitor Services-Capitol Tour Guide Office gives tours of the Capitol Building and Capitol Extension. Since March 1999, when databases compilation began, the Visitor Services-Capitol Tour Guide Office has provided tours to 3,680 school/class field trips ranging from preschool through high school and involving 186,269 participants.

28. The compiled data understate the actual numbers because some groups schedule late or just show up; therefore, they do not get entered into the database. Also, some scheduled groups do not show for their tours. Groups that come annually are only counted once in the database. These guided tours are of the Capitol Building and Capitol Extension only. The State Preservation Board does not conduct guided tours of the Capitol grounds or monuments.

29. Exhibit 4 is made available to the participants and they are free to tour any and all of the monuments on their own.

30. The Tribute to Texas Children monument, erected in 1998, is a popular stop for participants on school/class field trips.

31. The Ten Commandments monument is located 111 feet from the Tribute to Texas Children monument, 120 feet from the Texas Pioneer Woman monument and is among the closest monuments to the Capitol Building at a distance of 75 feet.

32. The Ten Commandment monument contains no deliberate imprimatur of the State of Texas by way of seal or star, or any other official emblem of the State or of any of the defendants.

33. Trial Exhibits 1-66, inclusive, are admissible in evidence in all respects.

Respectfully submitted,

/s/ Thomas Van Orden
THOMAS VAN ORDEN
Plaintiff Pro Se

JOHN CORNYN
Attorney General of Texas

HOWARD G. BALDWIN, JR.
First Assistant Attorney General

JEFFREY S. BOYD
Deputy Attorney General for Litigation

TONI HUNTER
Chief, General Litigation Division

/s/ Michael Winget-Hernandez
MICHAEL WINGET-HERNANDEZ
Assistant Attorney General
Texas Bar No. 21769650
General Litigation Division
P. O. Box 12548, Capitol Station
Austin, Texas 78711
Phone No. (512) 463-2120
Fax No. (512) 320-0667
E-Mail: MWH@oag.state.tx.us
Attorneys for Defendants

EXHIBIT 1

SENATE CONCURRENT RESOLUTION NO. 16

WHEREAS, The Fraternal Order of the Eagles for the past several years have placed across the country, in courthouses, classrooms and public places, parchment plaques and granite monoliths of the Ten Commandments; and

WHEREAS, These plaques and monoliths have been presented by the Eagles to promote youth morality and to help stop the alarming increase in delinquency; and

WHEREAS, The Fraternal Order of the Eagles request permission to present a granite monolith to be placed on the grounds of the State Capitol of Texas; now, therefore, be it

RESOLVED, By the Senate of the State of Texas, the House of Representatives concurring, that the Fraternal Order of the Eagles of the State of Texas be commended and congratulated for its efforts and contributions in combating juvenile delinquency throughout our nation and be granted permission to have this granite monolith placed on the grounds of the State Capitol of Texas.

/s/ Ben Ramsey
President of the Senate

/s/ James A. Furman
Speaker of the House

I hereby certify that S. C. R. No. 16 was adopted by the Senate on February 14, 1961.

/s/ Charles Schnabel
Secretary of the Senate

I hereby certify that S. C. R. No. 16 was adopted by the House on February 22, 1961.

/s/ [Illegible]
Chief Clerk of the House

Approved:

March 10, 1961
Date

/s/ Price Daniel
Governor

BILL AND RESOLUTIONS
SIGNED BY THE SPEAKER

The Speaker signed in the presence of the House after giving due notice thereof and their captions had been read severally the following enrolled bill and resolutions:

* * *

S. C. R. No. 16, Regarding the setting up of monuments on public grounds

* * *

February 22, 1961

HOUSE JOURNAL

* * *

REGARDING THE SETTING UP OF
MONUMENTS ON PUBLIC GROUNDS

The Speaker laid before the House for consideration at this time,

S. C. R. No. 16, Regarding setting up of monuments on public grounds

The resolution having hereto been referred to the Committee for Rules and reported favorably by the Committee.

S. C. R. No. 16 was adopted.

* * *

TUESDAY, FEBRUARY 14, 1961

* * *

Senate Concurrent Resolution 16

Senator Reagan offered the following resolution:

S. C. R. No. 16, Commending and authorizing the Fraternal Order of the Eagles to erect a monolith on the Capitol Grounds.

Whereas, The Fraternal Order of the Eagles for the past several years have placed across the country, in courthouses, classrooms and public places, parchment plaques and granite monoliths of the Ten Commandments; and

Whereas, These plaques and monoliths have been presented by the Eagles to promote youth morality and to help stop the alarming increase in delinquency; and

Whereas, The Fraternal Order of the Eagles request permission to present a granite monolith to be placed on the grounds of the State Capitol of Texas; now, therefore, be it

Resolved, By the Senate of the State of Texas, the House of Representatives concurring, that the Fraternal Order of the Eagles of the State of Texas be commended and congratulated for its efforts and contributions in combating juvenile delinquency throughout our nation and be granted permission to have this granite monolith placed on the grounds of the State Capitol of Texas.

The resolution was read.

On motion of Senator Reagan and by unanimous consent the resolution was considered immediately and was adopted.

* * *

EXHIBIT 2

May 15, 1961

TO: Mr. Wm. J. Burke, Executive Director

FROM: R. Aubrey Smelser, Chief, Building Engineering and Management Division

SUBJECT: Site Location of a Monolith of the Ten Commandments

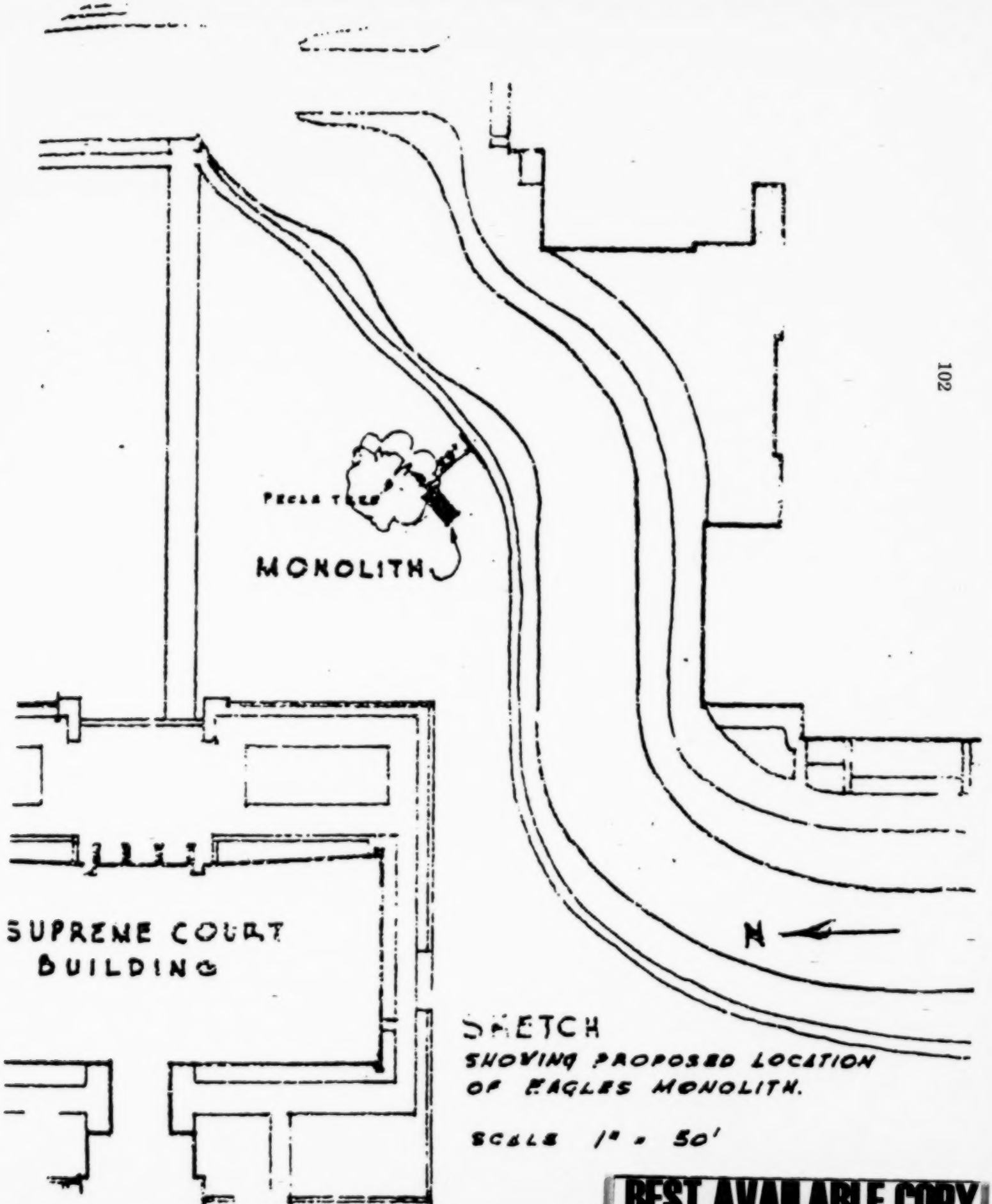
It is the studied opinion of this division that the location for the Monolith of the Ten Commandments donated to the State and dedicated by the Fraternal Order of Eagles be as shown on the attached photocopy.

The site location has been marked by stakes so that a visual inspection of the location can be made. The actual foundation dimensions have not been furnished to us and the stakes show only the approximate dimensions.

Respectfully submitted:

/s/ R. Aubrey Smelser
Chief, Building Engineering
and Management Division

RAS:kr
Attachments



SKETCH
SHOWING PROPOSED LOCATION OF EAGLES MONOLITH.

SCALE 1" = 50'

BEST AVAILABLE COPY

EXHIBIT 3

[LOGO] United States Department of the Interior

NATIONAL PARK SERVICE
P.O. BOX 37127
WASHINGTON, D.C. 20013-7127

IN REPLY REFER TO:
H34(418)

Honorable Frank Cooksey
Mayor of the City of Austin
134 W. 8th Street
P.O. Box 1088
Austin, Texas 78767

Aug 8 198[illegible]

Dear Mayor Cooksey:

I am pleased to inform you that the property identified on the enclosed sheet has been found to possess national significance in the history of the United States. As a result, the Secretary of the Interior has designated it a National Historic Landmark.

The purpose of landmark designation is to identify and recognize nationally significant sites and to encourage their owners to preserve them. Landmarks are chosen after careful study by the National Park Service. They are evaluated by the National Park System Advisory Board and designated by the Secretary of the Interior in accordance with the Historic Sites Act of 1935 and the National Historic Preservation Act of 1966.

Designation as a National Historic Landmark automatically places a property in the National Register of Historic Places, if it is not already so listed, and extends to it the safeguards and benefits provided by the National Historic

Preservation Act of 1966 and other Federal laws protecting historic properties.

We are pleased to include this property on the roll of National Historic Landmarks as a significant representative of our nation's heritage.

Sincerely,

s/ Edwin C. Bearss

Edwin C. Bearss
Chief Historian

Enclosure

IDENTICAL LETTERS HAVE BEEN SENT TO THOSE PEOPLE LISTED ON THE ATTACHED SHEET

bcc: Mr. Roy Graham
Architect of the Capitol
P.O. Box 13286
Austin, Texas 78711

Mr. John C. Ferguson
Texas Historical Commission
P.O. Box 12276
Austin, Texas 78711

[A] Texas State

Honorable Frank Cooksey "Mayor Cooksey"
Mayor of the City of Austin
124 W. 8th Street
P.O. Box 1088
Austin, Texas 78767

[A] Texas State

Honorable Mark White "Governor White"
Governor of the State of Texas
State Capitol Building, Room 200
Austin, Texas 78711

[A] Texas State

Honorable Mike Renfro "Mr. Renfro"
County Judge, Travis County
P.O. Box 1748
Austin, Texas 78767

[A] Texas State

Honorable Bill Hobby "Mr. Hobby"
Lieutenant Governor of the State of Texas
and President of the State Senate
P.O. Box 12068
Austin, Texas 78711

[A] Texas State

Honorable Gib Lewis "Mr. Lewis"
Speaker of the House
House of Representatives
P.O. Box 2910
Austin, Texas 78769

[A] Texas State

Mr. Curtis Tunnell, Executive Director "Mr. Tunnell"
Texas Historical Commission
P.O. Box 12276
Austin, Texas 78711

THE STATE OF TEXAS
[LOGO]

CURTIS TUNNELL
EXECUTIVE DIRECTOR

TEXAS HISTORICAL COMMISSION

P.O. BOX 12276 AUSTIN, TEXAS 78711 (512) 475-3092

[Names Omitted In Printing]

January 14, 1986

Mr. Edwin C. Bearss
Chief Historian
History Division
National Park Service
Department of the Interior
1100 L Street, N.W.
Washington, D.C. 20013-7127

Dear Mr. Bearss:

Enclosed is the revised nomination for the consideration of the Texas State capitol as a potential National Historic Landmark. The comments contained in your letter of December 3, 1985 were taken into consideration in the rewriting of the nomination, in addition to the corrections noted on the copies of the first draft which was submitted to you in November of 1985.

It is our understanding that this nomination, along with the photographic documentation which you have on file, will be presented to the National Park System Advisory Board for their consideration at their Spring meeting. If there are any additional questions concerning the nomination, please feel free to contact John C. Ferguson, Architectural Historian, at 512-475-3094.

Thank you again for your consideration of this nomination, and for the assistance of your staff in answering our questions regarding the National Historic Landmark designation process.

Sincerely,

/s/ Joe Oppermann
Joe Oppermann
Deputy State Historic
Preservation Officer

JO/jcf
Enclosure

United States Department of the Interior
National Park Service — For NPS use only

National Register of Historic Places — received

Inventory – Nomination Form — date entered

See Instructions in *How to Complete National Register Forms*
Type all entries – complete applicable sections

1. Name

historic Texas State Capitol

and or common

2. Location

street & number Congress Avenue and 11th Street
N/A **not for publication**

city, town Austin N/A **vicinity of**

state Texas **code** 048 **county** Travis **code** 453

3. Classification

Category	**Ownership**	**Status**
___ district	_x_ public	_x_ occupied
_x_ building(s)	___ private	___ unoccupied
___ structure	___ both	___ work in progress

___
___ site
___ object

Public Acquisition
N/A in process
___ being considered

Accessible
___ yes: restricted
___ yes: unrestricted
_x_ no

Present Use

___ agriculture
___ commercial
___ educational
___ entertainment
_x_ government
___ industrial
___ military
___ museum
_x_ park
___ private residence
___ religious
___ scientific
___ transportation
___ other:

4. Owner of Property

name State of Texas

street & number

city, town Austin N/A **vicinity of** **state** Texas

5. Location of Legal Description

courthouse, registry of deeds, etc. Travis County Courthouse

street & number

city, town Austin **state** Texas

6. Representation in Existing Surveys

title Texas Historic Sites Inventory

has this property been determined eligible x **yes** _ **no**

date 1964 _ **federal** x **state** _ **county** _ **local**

depository for survey records Texas Historical Commission

city, town Austin **state** Texas

9. Major Bibliographical References

Temples of Democracy: The State Capitols of the U.S.A., Henry-Russell Hitchcock and William Seale. 1976. Harcourt, Brace, Jovanovich, New York and London.

The Preservation of the Texas State Capitol. Diane Susan Jones. Unpublished Masters Thesis, School of Architecture, University of Texas at Austin, 1980. (continued)

10. Geographical Data

Acreage of nominated property 27 acres
Quadrangle name Austin East, Tex
Quadrangle scale 1:24,000

UTM Reference

	Zone	Easting	Northing
A	14	621050	3349800
B	14	621400	3349700
C	14	620900	3349540
D	14	621260	3349540
E			
F			
G			
H			

Verbal boundary description and justification The twenty-seven acre site is bonded on all sides by the cast- and wrought-iron fence which defines the perimeter, generally bonded by 11th Street on the south, 14th Street on the north, Colorado to the west and Brazos to the east.

List all states and counties for properties overlapping state or county boundaries

state N/A **code** **county** **code**

state N/A **code** **county** **code**

11. Form Prepared By

name/title John C. Ferguson, Architectural Historian

organization Texas Historical Commission **date** December, 1985

street & number P.O. Box 12276 **telephone** (512) 475-3094

city or town Austin **state** Texas 78711

12. State Historic Preservation Officer Certification

The evaluated significance of this property within the state is:

_x_ national __ state __ local

As the designated State Historic Preservation Officer for the National Historic Preservation Act of 1966 (Public Law 89-665), I hereby nominate this property for inclusion in the National Register and certify that it has been evaluated according to the criteria and procedures set forth by the National Park Service.

State Historic Preservation Officer signature
/s/ Curtis Tunnell

title State Historic Preservation Officer **date** 13 Jan 1986

For NPS use only

I hereby certify that this property is included in the National Register

date

Keeper of the National Register
Attest: **date**

Chief of Registration

EXHIBIT 4

The 1888 Capitol and approximately 22 acres of surrounding Grounds are the physical and symbolic center of government for the State of Texas. Bounded by city streets, the Grounds today provide an appropriate setting for citizens and visitors to approach and appreciate the majestic Texas Capitol. The Historic Grounds lie on the east, south and west sides of the building and are defined by an historical iron fence. In 1993, the completion of the Capitol Extension created an entirely new setting for the north side of the Capitol.

The 1995-96 restoration of the historic Grounds returned the park-like setting to its 1888-1915 appearance and updated vital systems such as fire protection, water-conserving irrigation, lighting and accessible walkways. To learn more about the Grounds, please read the history introduction below and then follow the self-guided tour. People using wheelchairs are advised to follow existing direcitonal [sic] *signage and customize their tour as needed. Interpretive signs located throughout the historical Capitol Grounds are marked on the map with a* K.

HISTORY

A Special Session of the 20th Legislature ended the day before the Texas Capitol was dedicated on May 16, 1888. That Legislature passed an act to hire a civil engineer to improve the Grounds of the new Capitol which needed considerable attention. In addition to the detrimental impact of the building construction project, the landscape was marked by wood retaining walls and steps from the old limestone Capitol which had burned on the site seven years before. William Munro Johnson was appointed

engineer and devised a plan that emphasized the perpendicular relationship between the granite Capitol and Congress Avenue. His vision included curving, stone-edged carriage drives, a "Great Walk" of black and white diamond-patterned pavement shaded by trees and a decorative iron fence on a stone base.

By the time the first monument was installed on the Capitol Grounds in 1891, commemorating the Heroes of the Alamo, the major components of Johnson's plan were complete. In addition to the Great Walk, an Oval Walk using the same patterned pavement surrounded the Capitol. The fencing project included the installation of elaborate gates on all four sides of the grounds. Numerous trees and shrubs were planted by the time the Volunteer Firemen Monument was installed in 1896.

Superintendent of Public Buildings and Grounds Charles Gilbert planted lawns, trees, shrubs and flowers throughout the Capitol Grounds in the early 1900s. Officials installed the Confederated Soldiers Monument in 1903 and two cast-iron spraying fountains set in ornamental concrete pools in 1904. The 1904 Superintendent's Report also noted the construction of an elaborate drinking fountain with an overhead electric light fixture on the east side of the Great Walk at the site of an artesian well. During the course of excavation for a concrete walk around the original well, Superintendent Gilbert found a second well, which was tapped and used to supply a second drinking fountain on the west side of the Great Walk. The west fountain is said to have flowed cold and the east fountain to have flowed warm. Benches were placed along the Great Walk and near the drinking fountains for visitors' comfort.

By 1906, two artificial lakes were listed in an inventory of the Grounds. One was a small grotto with spraying fountains and exotic plants located on the southeast portion of the Ground. The other possibly was a lake surrounded by canna lilies, fern and other shrubs and ornamental trees directly to the west of the Capitol in a depression which still exists today.

In 1907, all of the Grounds' vehicular entrances were widened and the Monument commemorating Terry's Texas Rangers was installed. A year later, a two-gabled greenhouse was installed on the east lawn to provide plants for state buildings and grounds; it later burned in the blizzard of 1925. By 1909, the concrete walkway throughout the Grounds were completed to prevent erosion. A year later, the Monument to Hood's Brigade, the Texas Brigade Army of Northern Virginia, was dedicated. Light fixtures were installed along the Great Walk in the fall of 1915.

The major additions to the Grounds that occurred after 1915 were mostly related to the installation of Monuments. Existing Monuments added after 1915 include the Texas Cowboy (1925, the Statue of Liberty Replica (1951), "The Hiker" honoring veterans of the Spanish American War (1951), the Veterans of the 36th Infantry (1959), the Soldiers of World War I (1961), the Ten Commandments (1961), the Disabled Veterans (1980), Pearl Harbor Veterans (1989), the Texas Pioneer Woman (1998), the Tribute to Texas Children (1998), the Korean War Veterans (1999) and the Texas Peace Officers (1999).

Several early landscape elements were removed after 1915 including the artificial lakes, spraying fountains, original drinking fountains and greenhouse. A granite drinking fountain was placed upon the site of the east drinking

fountain in the 1920 and the Statue of Liberty Monument replaced the west drinking fountain in 1951. A new greenhouse was installed in the 1940s but was later moved to the Texas State Cemetery.

SELF-GUIDED TOUR

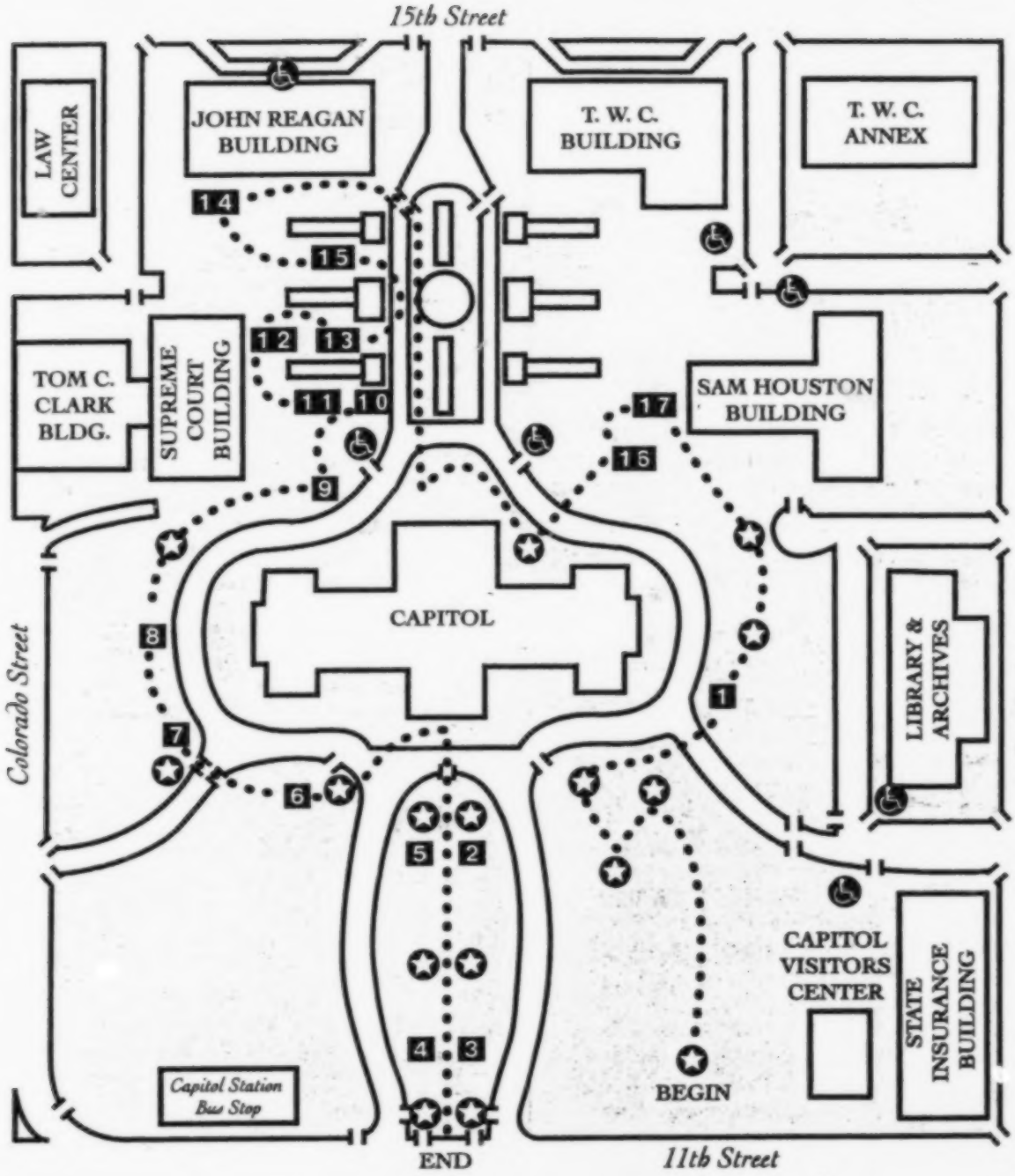
Begin the Grounds tour at the interpretive sign to the west of the 1856-57 General Land Office Building, now the Capitol Visitors Center. Move northwest to the interpretive sign describing the grotto, then to the sign for the Realtor's Fountain, then on up the hill to the ornate reproduction drinking fountain. If you get a drink, think about the one historical feature of the fountain that was not reproduced: originally, a chain dangled down holding a metal cup to be shared by all!

Move toward the Texas State Library and Archives Building, noting the Hood's Brigade Monument **(1)** by artist Pompeo Coppini and then the interpretive sign showing the two-gabled greenhouse. Move toward the pedestrian gate near the Sam Houston Building and pause to study the elaborate perimeter fencing. Mounted on a granite foundation, this wrought- and cast-iron fencing was originally manufactured by Mast, Foos & Company of Ohio. Look closely at the base of the iron gate posts; can you find the brand-name "Buckeye" seal?

Just past the pedestrian gate is a 1928 granite drinking fountain that was moved to this location during the 1990s Grounds restoration project. The second drinking fountain was designed for people who use wheelchairs. Stroll past the Texas Peace Officers Memorial **(17)** and the Monument to Disabled Veterans **(16)** toward the north entrance of the Capitol. Note the granite lying on the ground from

east to west? It marks the original boundary of the historic Capitol Grounds. Rather than replace the iron portion of the fence, officials instead chose to leave only the granite footprint of the historic fenceline so as not to divide the new north Capitol Grounds.

Move south across the drive and Oval Walk to see the top hatch for one of the Capitol's cisterns. Water from the cistern originally was used for drinking, fire protection and hydraulic power for the building's elevators. Travel next to the north entrance of the Capitol and look to the north. Travel approximately 50 feet to the small granite pavers, past the Lady Bird Johnson Texas Capitol Flower Gardens, past the glass panels rising out of the ground to the large circular opening. You are on top of the Capitol Extension, a four-story office building and parking garage! The circle is an open-air rotunda that is very similar to the Capitol's historic interior rotunda. The glass panels are skylights for the Extension which allow natural light to filter down into the building.



MONUMENTS

1. Hood's Brigade
2. Heroes of the Alamo
3. Confederate Soldiers
4. Volunteer Firemen
5. Terry's Texas Rangers
6. Texas Cowboy
7. Spanish-American War
8. Texas National Guard
9. Ten Commandments
10. Tribute to Texas Children
11. Texas Pioneer Woman
12. Statue of Liberty Replica
13. Pearl Harbor Veterans
14. Korean War Veterans
15. Soldiers of World War I
16. Disabled Veterans
17. Texas Peace Officers

Interpretive Signs

Wheelchair Accessibility

Seven monuments are located on the northwest Capitol Grounds. From the open-air rotunda, move toward the John H. Reagan Building. Pause at the Korean War Veterans Memorial **(14)** and the Soldiers of World War I Monument **(15)** before stopping at the small building to the west of the open-air rotunda. This building has elevators that can take visitors down to the Capitol Extension. The four structures to the north and south of the elevators provide emergency exist stairways from the Extension. Travel toward the Pearl Harbor Memorial **(13)** and the Statue of Liberty Replica **(12)** before pausing to enjoy the Tyler Rose Garden. Then continue toward the west Grounds, stopping at the Texas Pioneer Woman Monument **(11)** by artist Linda Sioux Henley, the Tribute to Texas Children Monument **(10)** by artist Larry Ludtke and the Ten Commandments Monument **(9)**.

The Monuments commemorating the Veterans of the 36th Infantry, Texas National Guard **(8)** and the Veterans of the Spanish-American War, "The Hiker" **(7)** are located on the edge of what used to be the west Grounds lake. Crossing the drive, move down the hill to the monument for the Texas Cowboy **(6)** by artist Constance Whitney Warren. Travel back up the hill and toward the south entrance of the Capitol to the round concrete pad inset with a star. Because no photographs of the west drinking fountain have been found to document its appearance, this pad was prepared in anticipation of eventually finding the photographic evidence, reproducing the drinking fountain and installing it here.

Cross the drive and stop at the Great Walk, near the south entrance of the Capitol. At the Capitol's south entrance are two 24-pound howitzer cannon dating to 1836. When facing Congress Avenue, the oldest part of the Capitol

Grounds is in front of you. Period lighting and park benches were reproduced and installed during the 19902 restoration project.

The four oldest Monuments, the Heroes of the Alamo **(2)** by artist J. S. Clark, Terry's Texas Rangers **(5)** by artist Pompeo Coppini, Volunteer Firemen **(4)** by artist Frank Teich and Confederate Soldiers **(3)** by artists Pompeo Coppini and Frank Teich, flank the tree-lined Great Walk. The Heroes of the Alamo Monument features the names of the Texans who lost their lives defending the fort. The Confederate Soldiers Monument shows the 13 states that withdrew from the Union and formed the Confederacy. The names of Texas volunteer firemen who have lost their lives in the line of duty are shown on the Volunteer Firemen Monument. During the Civil War, Benjamin Terry called for volunteers who eventually became the eighth Texas Cavalry for the Confederacy.

Travel halfway down the Great Walk and pause at the two spraying fountains, one of a boy with a fish and the other of a lily plant, in oval pools. Look toward the Capitol. On the south lawn, between where you stand the entrance to the Capitol, once stood the first Capitol on this square, from 1853 until it burned to the ground in 1881. Also note the three cannon nearby. The one farthest north dates to 1865. The two flanking the Great Walk are 12 pounder light field guns from 1864.

Move further down the Great Walk toward Congress Avenue. At the main gate, look toward the south facade of the Texas Capitol. As Senator Temple Houston said on dedication day in May of 1888, "This noble edifice . . . and the features of our civilization are all we can leave our posterity . . . we can at least pass from life's stage with the

proud reflection that we leave behind us . . . a noble edifice than has been bequeathed to us by preceding ages."

A large print, text only version of this brochure is available upon request from the Capitol Information and Guide Service located in the first floor south wing of the Capitol.

EXHIBIT 5

SIGN TYPE EXT-03 BRONZE CAST PLAQUES ITEM 52

GENERAL LAND OFFICE BUIDING [sic] OF 1856-57

[SEAL]

The General Land Office Building, constructed in the 1850s, housed the agency responsible for administering the state's vast landholdings. Designed by German architect and Land Office draftsman Christoph Conrad Stremme, it is the oldest surviving state office building. The architecture blends two 19th-century revival styles: the *Rundbogenstil*, or round-arched style, is reflected in the windows and doors; the Norman style is reflected in the castle-like parapets. The exterior walls are limestone rubble, smoothed over with stucco, then scored to simulate cut stone blocks. By 1918, the General Land Office had moved across 11th Street to larger quarters. From 1919 to 1989, the building housed museums operated by the Daughters of the Republic of Texas and the United Daughters of the Confederacy. Following a 1989-92 architectural restoration, the building became the Capitol Complex Visitors Center.

EXHIBIT 6

SIGN TYPE EXT-03 BRONZE CAST PLAQUES ITEM 6

GROTTO AND LAGOON

[SEAL]

In conjunction with the City Beautiful Movement that swept the country during the early 20th century, the *Austin Daily Statesman* in 1904 proclaimed, "It is now possible to make luxurious scenery out of a barren waste, and transform a piece of ground which even a farmer would despair into a veritable Garden of Eden." With a newly completed artesian well providing an abundant water supply, a limestone cave-like structure, or grotto, and a goldfish-stocked lagoon with rustic footbridge, central spraying fountain and exotic plants were installed here later in 1904. Initially, the era was lush with hearty water plants and ferns, but by the 1950s it had lost its vitality. Very little evidence of the grotto and lagoon existed by the 1980s.

EXHIBIT 7

BICENTENNIAL FOUNTAIN
1975-1996

[LOGO]

Through a concurrent resolution in April 1975, the 64th Legislature accepted an ornamental water fountain as a gift to the people of Texas from the REALTORS® of Texas (Texas Association of REALTORS®) commemorating the Bicentennial of the Declaration of Independence and the American Revolution. The multi-level, granite fountain stood in this location, and was removed in 1996 when the Restoration of the Historic Grounds project returned the Great Walk vicinity to its 1888-1915 design.

EXHIBIT 8

SIGN TYPE EXT-03 BRONZE CAST PLAQUES ITEM 8

ARTESIAN WELL AND EAST DRINKING FOUNTAIN

[SEAL]

The artesian well completed at this site in 1889 furnished an ample and inexpensive water supply for the new Capitol. At a depth of about 1,550 feet, natural pressure forced water from the Trinity aquifer to the surface. The powerful flow of water satisfied drinking, sanitary and fire-protection needs for the Capitol. A coal-fired boiler converted the well water into steam, which turned the building's first electric generator, and circulated through radiators to warm the Capitol's interiors. The abundance of well water for irrigation made possible the first major landscape improvements, including a lawn of sod and more than 100 new trees. A cast-iron drinking fountain, placed over the well in 1903, provided continuously running well water and metal drinking cups hanging from chains. Convinced that the mineralized water possessed medicinal value, visitors hauled it away in bottles for the next 73 years. In 1928, a granite water fountain replaced the cast-iron fixture. Officials closed the well in 1980 due to more stringent water-quality standards. This reproduction fountain, installed in 1996, provides safe drinking water with a gentle step on the foot lever.

EXHIBIT
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A-01-CA-833-H

EXHIBIT 10

SIGN TYPE EXT-03 BRONZE CAST PLAQUES ITEM 25

CAPITOL GREENHOUSES

[SEAL]

Four greenhouses have stood on Capitol Square at different periods. Each was designed to cultivate various plants and flowers for use on the grounds of the Capitol, governor's mansion and state cemetery and to provide potted plants and cut flowers to decorate public buildings. Little is known of the first greenhouse, constructed in 1875. The second structure, shown above, was built in 1908, but burned to the ground during the blizzard of 1925. A temporary building functioned as the greenhouse until completion of the fourth Capitol greenhouse about 1941. That structure was removed from the grounds in February 1958.

EXHIBIT 11

SIGN TYPE EXT-03 BRONZE CAST PLAQUES ITEM 59

1928 GRANITE WATER FOUNTAIN

[SEAL]

Installed in 1928 over the artesian well, this granite water fountain replaced the circa 1903 cast-iron fountain that once stood east of the Great Walk. Eight spigots on the granite fountain provided abundant access to the mineralized well water, long believed to possess medicinal properties. After more than half a century, the fountain was shut off in 1980 because samples of the artesian water failed to meet more stringent water-quality standards. When the circa 1903 drinking fountain was reproduced and placed above the artesian well site in 1996, the granite fountain was restored, moved here, and connected to the municipal water supply. The light fixture on top was also restored to its original appearance.

EXHIBIT
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EXHIBIT 14

SIGN TYPE EXT-03 BRONZE CAST PLAQUES ITEM 56

CISTERNS

[SEAL]

The cistern located below this site is one of two underground brick reservoirs built to store rainwater for use in the Capitol. Although by 1889 an artesian well was supplying an abundance of highly mineralized water, the two cisterns continued to be a source of fresh water until a municipal water supply became available. Rainwater, collected from the Capitol's roof through a system of gutters, filled the cisterns through a series of concealed downspouts and pipes. A coal-fired steam pump in the Capitol's basement distributed the water throughout the building for drinking, sanitary needs and fire protection. The cistern water also filled a large iron tank in the Capitol's attic, to provide power for the original hydraulic elevator. The cistern's top hatch, visible here, provided access for checking the water level and for maintenance.

EXHIBIT
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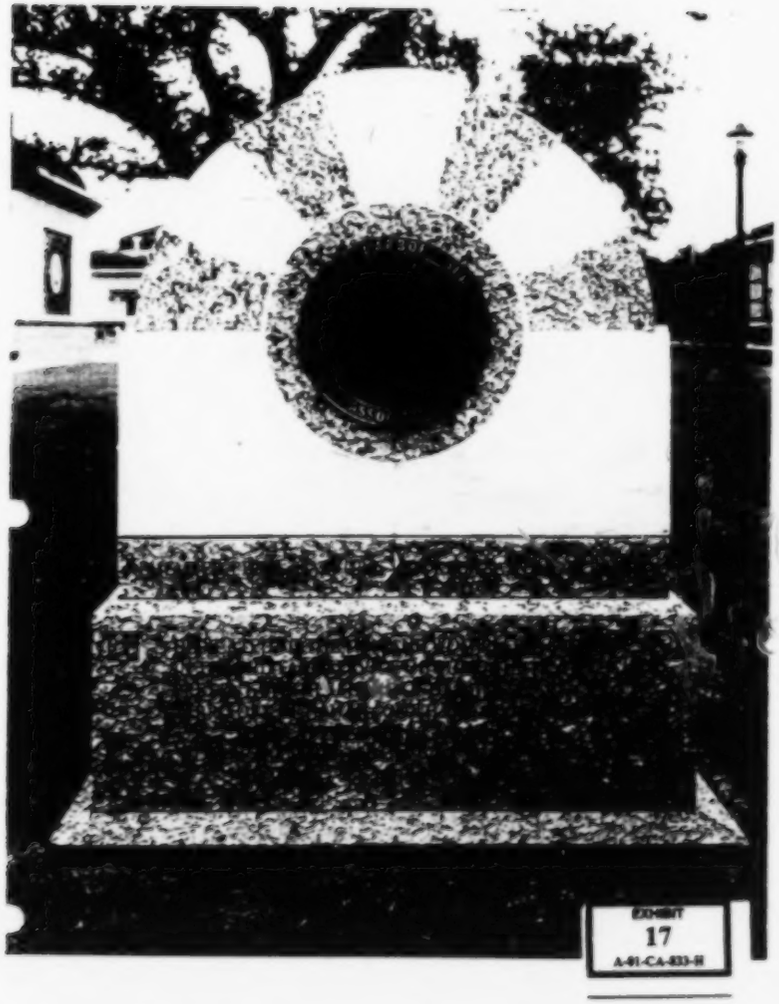
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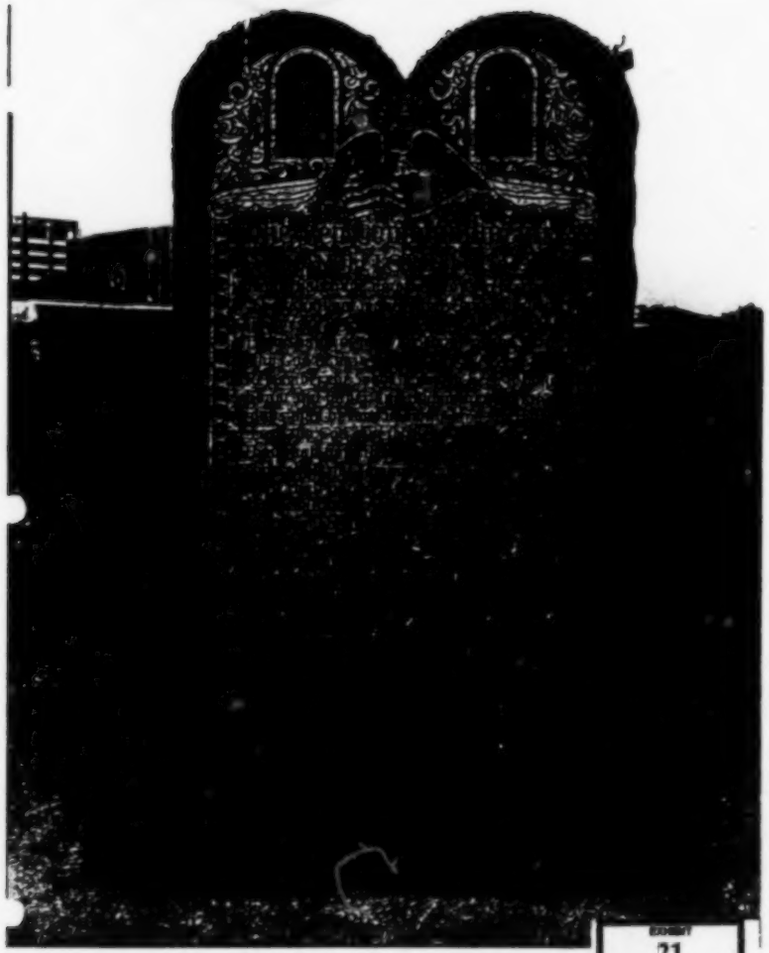

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EXHIBIT 22

Bicentennial
Star
1976-1996

[LOGO]

The Austin Lawyers' Auxiliary (previously known as the Austin Lawyers Wives' Club) dedicated a star-shaped landscape monument at this location in 1976 to commemorate the Bicentennial of the Declaration of Independence. The pink granite monument, designed in the shape of the sanctioned Bicentennial Star logo, was removed in connection with the Restoration of the Historic Grounds project, 1996.

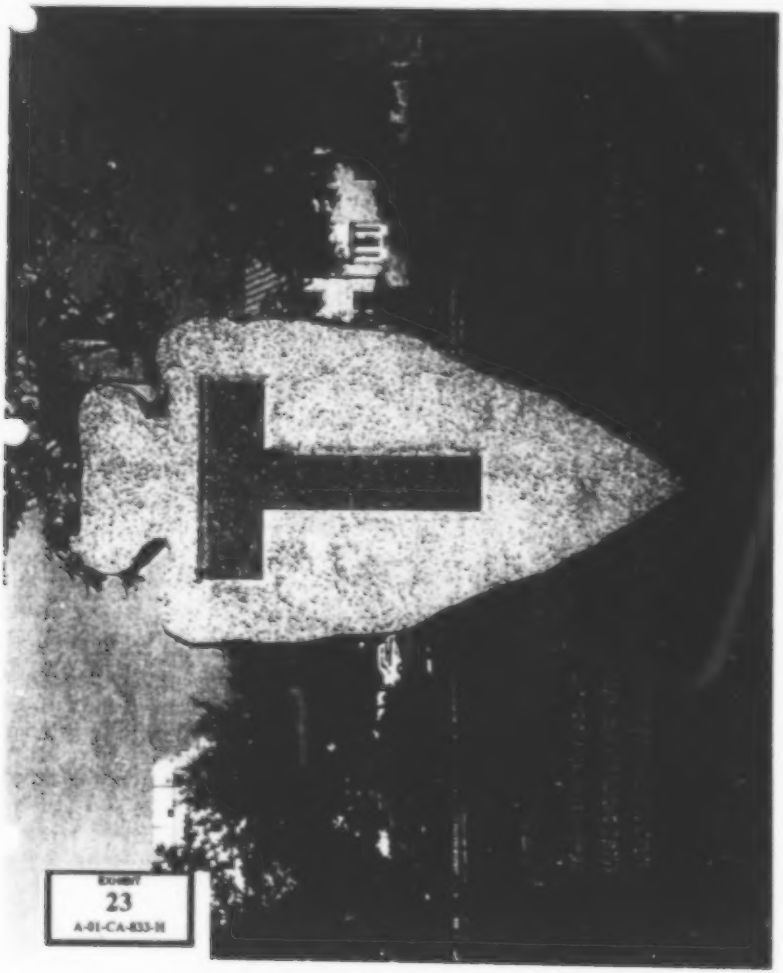
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EXHIBIT 25

SIGN TYPE EXT-03 BRONZE CAST PLAQUES ITEM 39

WEST GROUNDS LAKE

[SEAL]

In December 1906, the *Austin Daily Statesman* described the Capitol grounds as " . . . a favorite resort, for young and old, at all seasons, and during the summer months are the scene of nightly concerts that attract the music lover of the city." A small lake occupied the large depression that still exists west of here, at one time supplied by an underground spring in the area. The lake was difficult to maintain and produced hordes of mosquitoes. As then State Gardener J. A. Lott explained, " . . . it was not built right and every rain filled it with mud and trash . . . the pool in fair weather was unsightly with an accumulation of papers," so the lake was drained by 1926.

EXHIBIT 27

SIGN TYPE EXT-03 BRONZE CAST PLAQUES ITEM 45

WEST DRINKING FOUNTAIN

[SEAL]

Superintendent of Buildings and Grounds Charles Gilbert installed a drinking fountain at this site in the early 1900s. While excavating for a sidewalk near the 1889 artesian well and first drinking fountain, he found a second artesian well which previously had been capped off, and re-opened it to supply water for this second drinking fountain. The west fountain reportedly flowed cold water, while the east fountain flowed warm. Because no photographs of the west fountain were found to document its appearance, a circular bronze marker was installed in 1996 to mark the location.

EXHIBIT 28

SIGN TYPE EXT-03 BRONZE CAST PLAQUES ITEM 46

MONUMENTS OF THE GREAT WALK

[SEAL]

The four earliest monuments placed on the Capitol grounds flank the Great Walk. (1) The granite-and-bronze Alamo Monument, erected in 1891 by the State of Texas, replaced a smaller limestone monument that was destroyed when the 1852 Capitol burned in 1881. (2) The Volunteer Firemen Monument honors volunteer firefighters who have died in Texas in the line of duty. Designed by Frank Teich of San Antonio, it was erected in 1896 by the State Firemen's Association of Texas. In the early 1900s, the monument's tall granite base was shortened and the original granite statue was replaced with a bronze figure, thereby making it consistent with the others on the Great Walk. (3) Sculptor Pompeo Coppini created the bronze statuary for the granite Confederate Monument, commissioned by surviving comrades and unveiled in 1903. (4) Coppini also produced the bronze figure on horseback for the granite Terry's Texas Rangers Monument, erected in 1907 by survivors of the Eighth Texas Cavalry.

EXHIBIT 29

SIGN TYPE EXT-03 BRONZE CAST PLAQUES ITEM 10

THE GREAT WALK

[SEAL]

The promenade leading from Congress Avenue to the Capitol's south entrance is called the Great Walk. Completed in 1889, the Great Walk was considered one of the most significant features of the Capitol grounds, formalizing a connection with Austin's most important street. In 1996, the 107-year-old Great Walk was removed due to its deteriorated condition, and replicated. The checkerboard-patterned concrete walk is 25 feet wide and 500 feet long, with rounded limestone curbs. The trees which flank the Great Walk were originally sycamores, although elms and live oaks have also shaded the walk during the 20th century. In 1996, live oaks were planted, and reproductions of the 1907 slat-style, steel park benches were installed. The existing light fixtures along the walk are original; they were installed in 1915 and restored in 1996.

EXHIBIT
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EXHIBIT
31
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EXHIBIT 32

SIGN TYPE EXT-03 BRONZE CAST PLAQUES ITEM 61

CANNONS AND FOUNTAINS

[SEAL]

By the early 20th century, five cannons and two spraying fountains had been installed near the Great Walk. (1) Two, 24-pounder, howitzer cannons presented by Major General Thomas Jefferson Chambers to the Republic of Texas in 1836 were placed at the Capitol's south entrance. (2) Two, 12-pounder, light field guns were displayed on the south lawn. Cast in bronze in 1864, they probably were acquired "to maintain order" by Reconstruction Texas Governor Edmund J. Davis. (3) The fifth cannon is made of wrought iron and dates to 1865. All of the cannons are original, but their wooden carriages have not survived. The cannon carriages on the south lawn were reproduced in metal for durability. (4) Two elaborate cast-iron fountains manufactured by J. W. Fiske of New York were placed in oval pools near the midpoint of the Great Walk in 1904. By the 1940s, the fountains had been removed and the pools converted into flower beds. In 1996, reproduction fountains were installed in reconstructed pools to replicate the original scheme.

EXHIBIT 33

SIGN TYPE EXT-03 BRONZE CAST PLAQUES ITEM 60

CAPITOL OF 1852-53

[SEAL]

Constructed in 1852-53 at an approximate cost of $150,000, this three-story limestone structure was the second Capitol in Austin, but the first statehouse to be built on Capitol Square. Situated within the 56-square-block townsite surveyed by Edwin Waller in 1839, Capitol Square was linked to the Colorado River by Congress Avenue. Located directly south of the current site of the Texas Capitol, the Greek-Revival-style building measured 140 feet by 90 feet. Master builder Abner Cook supplied the interior woodwork for the structure. The 1850s Capitol was completely destroyed by fire in November 1881. An investigating committee concluded that the fire resulted from a faulty stove pipe connection.

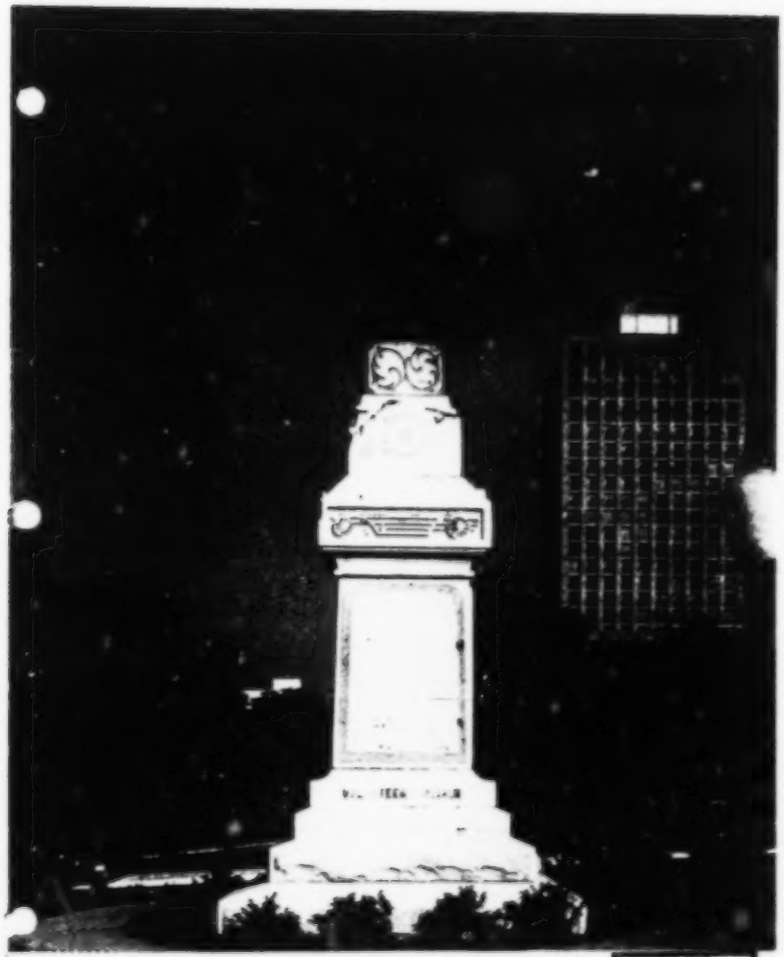

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EXHIBIT 35

SIGN TYPE EXT-03 BRONZE CAST PLAQUES ITEM 50

CAPITOL FENCE

[SEAL]

William Munro Johnson, hired in 1888 to plan the Capitol's landscaping, designed ornate iron fencing with a granite foundation to demarcate the perimeter of the grounds. The wrought- and cast-iron fencing, manufactured by Mast, Foos & Company of Ohio, uniquely features Texas' Lone Star motif. Incorporating iron gates at the five carriage- and six pedestrian-entrances, the fence also functioned to keep wandering livestock off Capitol Square. In 1907, the vehicular entrances were widened, and the gates removed and dispersed to several Austin locations. In 1996, the fence was completely reconditioned, with new pedestrian entrances added to improve access. Also it was painted in its original black and gold colors, although metallic paint was used instead of gold leaf. Several of the original gates were restored and returned to the grounds; the remainder were reproduced from the originals.

EXHIBIT 36

SIGN TYPE EXT-03 BRONZE CAST PLAQUES ITEM 51

CAPITOL GROUNDS DESIGN

[SEAL]

Soon after completion of the Capitol in May 1888, the Capitol Board hired prominent Dallas civil engineer, William Munro Johnson, to design the landscaping of the grounds. His plan called for symmetrical, but curving, stone-edgd carriage drives An allée flanking a black-and-white diamond-patterned south walk was centered in a large oval. Sloping lawns, variegated tree and shrubbery plantings, and a decorative iron fence on a stone base completed his design. No copy of the map detailing Johnson's plan has survived. However, a 1900 University of Texas thesis included a map of the grounds as they existed at that time, documenting the implementation of Johnson's basic scheme.

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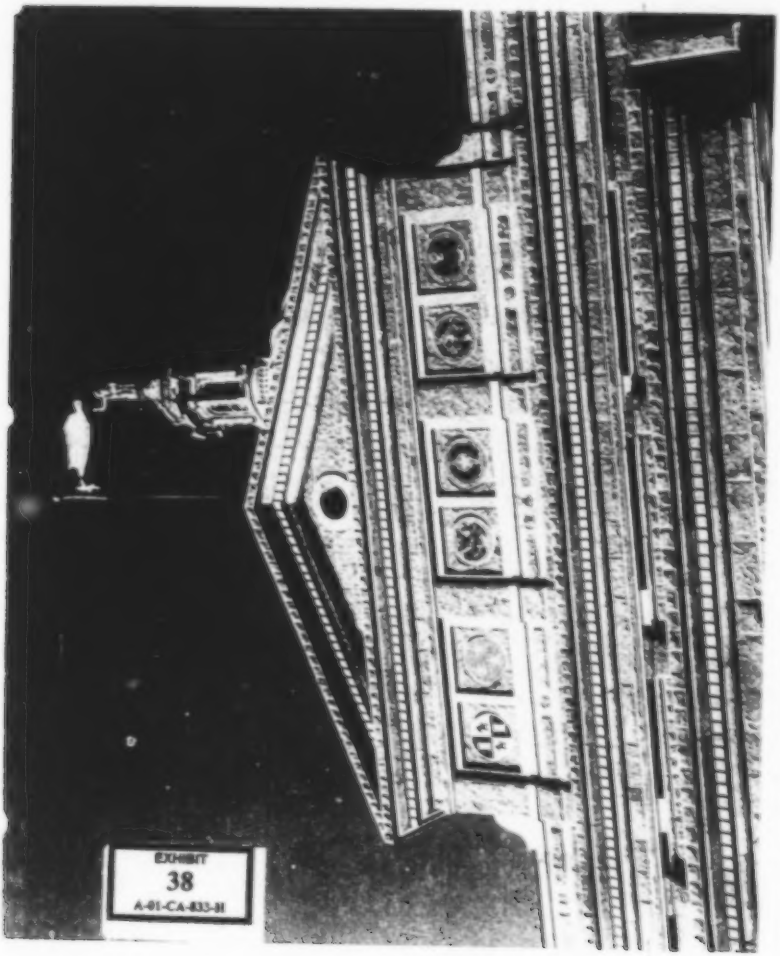
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Proprietary Purchase Justification

Stasswender Memorials
SPB Contract No. 96-015
$23,100.00

This contract covers the replacement of the Six Seal Medallions to the North Pediment of the Texas Capitol. This work is being done in compliance with House Bill No. 1, as passed by the 74th Legislature, specifically documented in Article 1-78; rider number 8.

Stasswender Memorials is the monument source for the Six Seal Medallions and originally placed the seals on the North and South Pediments of the Capitol Building in 1976. Stasswender Memorials also replaced the seals to the South Pediment in August of 1995. They are thoroughly familiar with the materials to be used and the techniques required. Using this vendor will ensure that the Six Seal Medallions are restored accurately and in a timely manner.

Requested by: Date:

/s/ Charlynn Doering 3/25/96
Charlynn Doering
Assistant Director

Authorized by: Date:

/s/ Rick Crawford 3/25/96
Rick Crawford
Executive Director

SUPPLEMENT TO HOUSE JOURNAL
Seventy-fourth Legislature, Regular Session

Text of Conference Committee Report
House Bill No. 1
(General Appropriations Act)

and

Governor's Veto Proclamation

(SEAL)

STATE OF TEXAS
1995

* * *

PENSION REVIEW BOARD
(Continued)

Number of Positions (FTE)	5.0	5.0
Schedule of Exempt Positions and Per Diem of Board Members		
Executive Director, Group 1	$47,786	$47,786
Per diem of Board Members	1,400	2,420

1. **Public Retirement System Database**. To the extent feasible within the appropriations above, it is the intent of the Legislature that the State Pension Review Board develop and maintain a database, which is accessible by modem or some form of electronic bulletin board that addresses the informational needs of public retirement systems and other regular users of pension related data. This information should identify the names and addresses of the public retirement systems, including but not limited to the results of financial reports and actuarial valuations, and any other pertinent information the Pension Review Board deems appropriate.

PRESERVATION BOARD

	For the Years Ending August 31, 1996	August 31, 1997
A. Goal: PRESERVE CAPITAL BLDGS To preserve, maintain, and restore the State Capitol, the General Land Office Building, the Capitol Extension, their contents and the grounds, and convey their historical importance to Capitol visitors.		
Outcomes:		
Percent of Follow-up Compliance Reports Filed Based on the State Preservation Board Facilities Management Plan	100%	100%
Percent of Planned and Funded Work Completed for the Historic South Capitol Grounds Restoration	100%	100%
Percentage Increase in Inventoried Historical Items From the 1994 Level	80%	87%
Percent of Collection Documentation Completed	80%	87%
Percent Restoration Completed of the Collection	2%	3%
Annual Percentage Change in the Number of Tours Booked	50%	33%
Percentage of the Capitol Complex Visitors Center Available Touring Hours Utilized Annually By the Public	38%	50%
A.1.1. Strategy: BUILDING MODIFICATIONS Utilize Master Plan to review	$ 242,150	$ 252,650

and authorize modifications to the buildings and their grounds.		
Outputs:		
Number of Building Modification Requests Reviewed	50	
A.1.2 Strategy: MANAGE CAPITOL & GROUNDS	$ 105,850	$ 86,850
Manage the Master Plan restoration projects for the Capitol and Capitol Grounds.		
Outputs:		
Number of Master Plan Capitol and Capitol Grounds-related Projects Completed Within Time Line Projections	3	
A.2.1 Strategy: HISTORICAL RESTORATIONS	$ 228,250	$ 220,750
Acquire, document and restore historical items.		
Outputs:		
Number of Items Documented or Updated	75	75
A.3.1 Strategy: EDUCATIONAL PROGRAM	$ 325,750	$ 344,250
Manage a comprehensive educational program focusing on the history and restoration of the Capitol Complex buildings and their grounds for visitors to the Capitol and the Capitol Complex Visitors Center		

Outputs:		
Number of Events, Exhibits, and Special Activities Scheduled and Managed	780	1,040
A.3.2 Strategy: OPERATIONAL ACTIVITIES	$ 91,139	$ 85,139
Oversee the events, exhibits, and activities conducted in areas under State Preservation board control and operate a profitable gift shop.		
Outputs:		
Number of Events, Exhibits, and Special Activities Scheduled and Managed	200	200
Total, Grand A: PRESERVE CAPITAL BLDGS	$ 993,139	$ 989,639
Grand Total, PRESERVATION BOARD	$ 993,139	$ 986,639
Method of Financing:		
General Revenue Fund	$ 990,139	$ 986,639
General Revenue Fund-Consolidated	3,000	3,000
Total, Method of Financing	$ 993,193	$ 989,639
Number of Positions (FTE)	31.0	30.5
Schedule of Exempt Positions		
Executive Director, Group 2	$ 68,959	$ 68,958

1. **Building Repair Funding.** The State Preservation Board is hereby appropriated $400,000 per annum for emergency repairs and required modifications to the Capitol, the Capitol Extension, and The 1857 General Land Office building. This authority is contingent upon prior notification to the Legislative Budget Board, Governor's

Office of Budget and Planning, and Comptroller's Office on any planned expenditures of these funds.

2. **Appropriation: Capitol Fund.** The donated and earned balances remaining in the Capitol Fund as of August 31, 1995, and deposited into the Capitol Fund during the current biennium, are hereby appropriated to the State Preservation board for use by the Board for the benefit of the Capitol and the associated programs of the agency in accordance with the intentions of the donors and the Legislature.

3. **Unexpended Balance Authority: Capitol Restoration:** All unexpended balances from the Restoration and Repair of the Capitol are hereby reappropriated to the State Preservation Board for the biennium beginning September 1, 1995. These funds shall be used to pay all outstanding construction claims. Any unencumbered balance, after payment of claims, may b [sic] spent to complete the Historic Capitol Grounds Project. Any excess funds remaining after completion of the Historic Capitol Project shall be transferred to the Preservation Trust Fund administered by the Historical Commission.

4. **Appropriation: Fee Revenue.** All other fees and revenues collected or earned pursuant to V.T.C.S., Government Code 443.007 are appropriated to the State Preservation Board for the purposes specified within the Act.

5. **Sunset Contingency.** Funds appropriated above for fiscal year 1997 for the Preservation Board are made contingent on the continuation of the Preservation Board by the Legislature. In the event the agency is not continued, the funds appropriated for fiscal year 1996 or as much thereof as

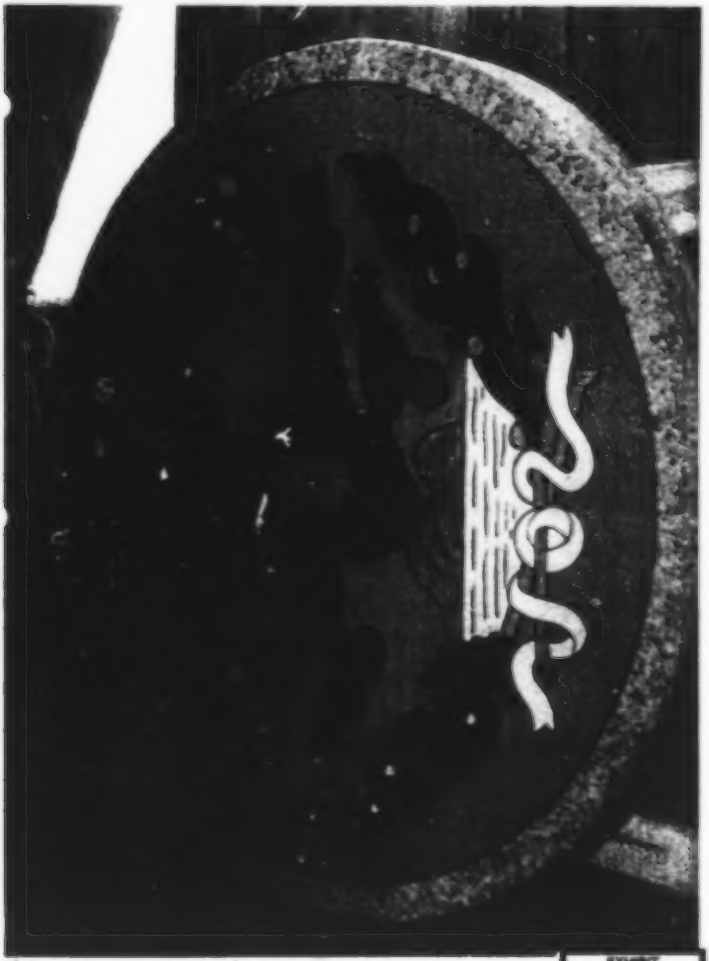
may be necessary are to be used to provide for the phase out of agency operations.

6. **Maintaining Paved Surfaces of Capitol Grounds.** Notwithstanding any other provision in law, the Texas Department of Transportation shall demolish, construct, repair, and maintain paved surfaces on the State Capitol Grounds according to the Historic Capitol Grounds Master Plan adopted by the State Preservation Board.

7. **Placement of Portraits in the Capitol Rotunda.** It is the intent of the Legislature that portraits of Texas governors displayed in the Capitol rotunda be placed with the governor serving the last term located on the first floor of the rotunda. The remaining portraits shall be displayed in reverse chronological order.

8. **Return of Six Seals to the Entrance of the Capitol.** It is the intent of the Legislature that the six seals affixed to the front and back of the State Capitol removed during the Capitol restoration project be restored and returned.

9. **Appropriation: Restriction on Appropriated Funds.** None of the funds appropriated to the Preservation Board may be expend d by the Board for the 1996-97 biennium unless and until an office locking system approved by the Speaker Pro Tem of the House of Representatives has been installed in the Speaker Pro Tem's office located in the Capitol Building.



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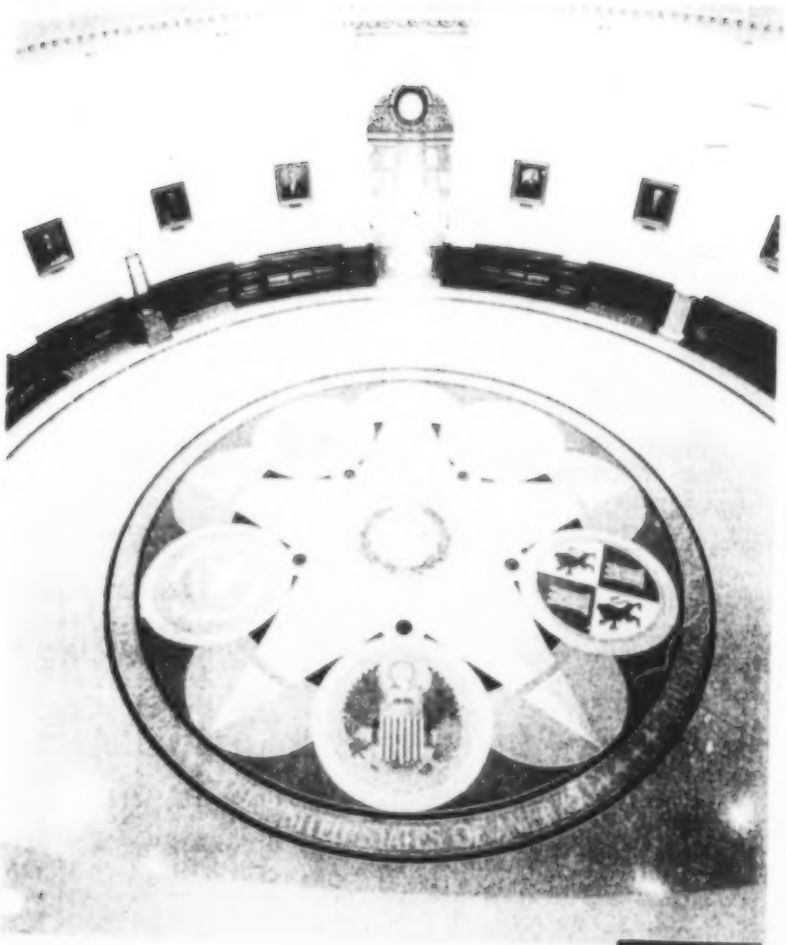

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The Rotunda

The Rotunda is one of the most impressive areas of the Capitol. The seals on the rotunda floor represent the six sovereign nations that have governed all or part of Texas. It is not necessary to discuss information about the elements on the seals. It is included in case you get questions.

The Spanish seal features symbols of castles and lions which represent the union of the two Spanish kingdoms of Aragon and Castile. Spanish explorers arrived in what is now called Texas in 1519 and claimed the area which included not only what is now Texas but also land that is now part of Colorado, New Mexico, Arizona, Oklahoma, and Nebraska. The Spanish hoped to find gold and wealth, especially the legendary Seven Cities of Cibola. After the French tried to establish Texas settlements, Spain began to try in earnest to establish missions and settlements in Texas. They attempted to convert the Native-American Indians to Catholicism, however, they had less success in Texas than they had in Mexico where the Mayan and Aztec Indians had already established cities and temples before the Spanish arrived and had a more centralized civilization.

The French seal features the fleur-de-lis, the ancient symbol of the Bourbon kings. France established a colony at Matagorda Bay in 1685. When Spain found out that France was starting a settlement in Texas, they accelerated their efforts to settle Texas since Spain and France were rivals in their attempts to colonize this part of the Americas. However, France later abandoned its settlement efforts in Texas. Their colony was decimated by disease, Indian attacks, lack of supplies, and eventually mutiny.

They later established colonies in what became Louisiana where they were much more successful.

The Mexican seal features the Aztec legend concerning the location of a future capital. Mexico gained its independence from Spain in 1821, with Texas forming a part of the new Mexican republic. Moses Austin, an American from Missouri and the father of Stephen F. Austin, had obtained a grant from the Spanish government in January 1821 to settle 300 families on a large tract of land in the southeast part of Texas between the Brazos and Colorado Rivers. However, he died in June of 1821, leaving the work to Stephen. Stephen reluctantly took on the task when he discovered he would have to deal with the new Mexican government. In order to get the Mexican government to approve the colonization program, Austin spent a year in Mexico City lobbying for his colonial authorization. An excellent negotiator and statesman, in January of 1823, the Mexican congress signed an agreement that offered heads of families "a league and a labor" of land (4,605 acres) and other inducements and provided for the employment of agents, called empresarios, to promote immigration. The empresarios received large tracts of land after fulfilling their quota of settlers. Austin was a very successful empresario.

Santa Anna and his government became concerned about the tendency of the Anglo-American settlers to identify with the U.S. instead of Mexico, and they passed new laws which seemed oppressive to the settlers. As the government became more centralized and less democratic, many of the settlers became unhappy with Mexican rule, which was a factor leading to the Texas Revolution.

The seal of the Republic of Texas features the lone star encircled by traditional symbols of strength (live oak branch) and peace (olive branch). Directly over the star and 218 feet above, is another star on the ceiling of the rotunda. That star is eight feet in diameter.

Texas won its independence from Mexico in 1836. Texas is known as the Lone Star State although the origin of the phrase is unknown. (The majority of the early settlers were from the United States where each state is represented by a star and the phrase perhaps evolved from that.) The early Texans received help in their struggle for independence in the form of ammunition, guns, and men from various states in the United States and several other countries.

The U.S. seal commemorates the thirteen original states with 13 stripes in the seal, 13 stars, 13 arrows, and 13 leaves on the olive branch. Texas was an independent Republic for approximately ten years, from 1836 to 1846. It had its own money, its own Navy, and established diplomatic relations with France, Britain, the Netherlands, and the United States of America. Texas is the only independent republic that became a part of the United States. When Texas joined the United States in 1846, it became the 28th state in the union. It retained the title to its public lands, but also had to keep its large public debt. In the Compromise of 1850, however, the debt was forgiven by the United States when Texas released its claim to what is now parts of Oklahoma, New Mexico, Kansas, Colorado, and Wyoming.

The Confederate seal features George Washington on horseback. Of course Washington was long dead at the time of the formation of the Confederacy, he was from

Virginia and his wife's granddaughter was married to Robert E. Lee, the Commander of the Confederate forces. His figure is encircled by the cash crops of the south; corn, cotton, wheat, and tobacco. The phrase is Latin, meaning loosely, "God will judge." Although the majority of Texans were in favor of joining the Confederacy in the 19th century, some were not. The most prominent of these was the governor, Sam Houston who was removed from office when he would not approve of secession from the Union. On February 23, 1861, Texas became one of the eleven southern states that seceded from the Union. The Civil War was over in April of 1865. Texas was not readmitted to the Union until March of 1870, after it had complied with various provisions prescribed by the federal government.

Although Native Americans did not have a flag or seal, they were Texas' earliest residents and were living and fighting in Texas even after the Civil War. The warfare on the Texas plains ended after a battle between the U.S. Army and Indians at Palo Duro Canyon in the fall of 1874 in the Texas panhandle.

People from many other foreign countries came to Texas to live, but they came as settlers and expected to become citizens of the new state. The largest groups came from Germany, but people came from many other European countries. In more recent times, settlers have come from all over the world, including the Asian countries.

Portraits of former presidents of the Republic of Texas and former governors and provisional governors of the state of Texas line the Rotunda walls on all floors. They are arranged in chronological order with the most recent on the first floor. No governor's portrait is painted until the governor has left office. Governor Richards was the second

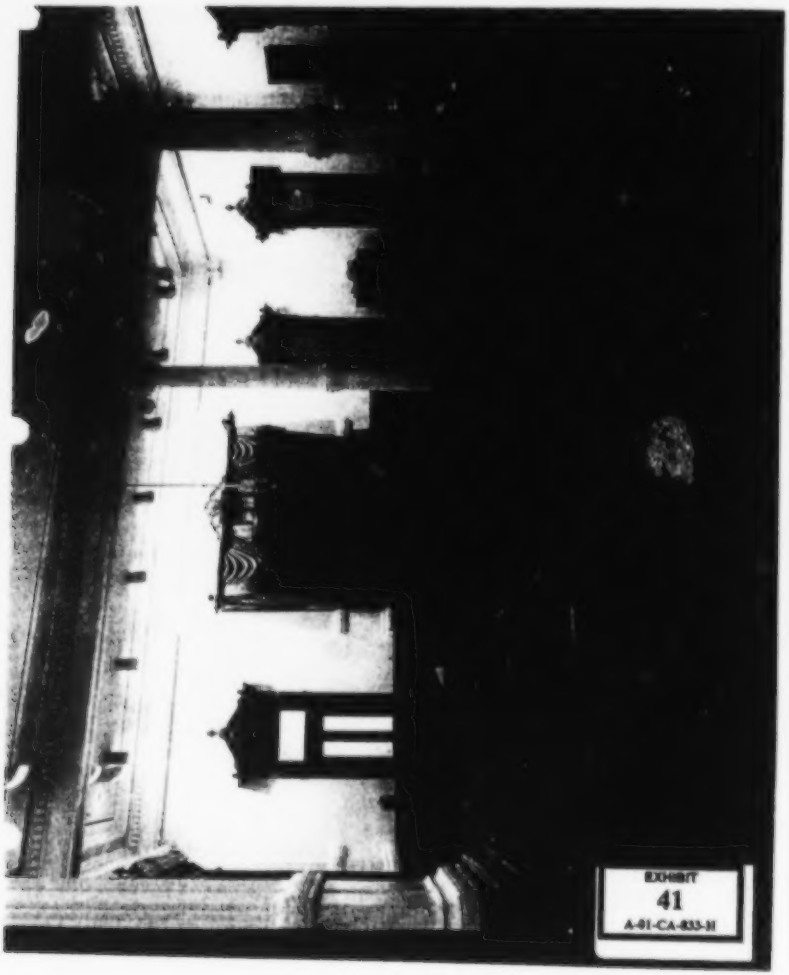
woman to be governor of Texas. The first woman to be governor was Miriam Ferguson, wife of former governor, James Ferguson, the only governor to be impeached. James Ferguson served as governor from 1915-1917 and was succeeded by the Lt. Governor, William P. Hobby, who became governor when Ferguson was impeached. Hobby was later elected to another term. He was the father William Pettus Hobby, Jr., Texas' former lieutenant governor. James and Miriam Ferguson were known to Texans as "Ma and Pa" Ferguson and Miriam campaigned in 1924 on the slogan "Two governors for the price of one!" Miriam Ferguson was elected governor in 1924 and again in 1932. She served a two year term each time. (Four year terms were established in 1974.) The rotunda also has a marble bust of Miriam Ferguson by artist Enrico Cerracchio on display.

The present governor of Texas is George W. Bush. He is from Arlington and is the son of former president, George Bush.

Special Note

Groundbreaking ceremonies for the Capitol were held on February 1, 1882. The cornerstone,

* * *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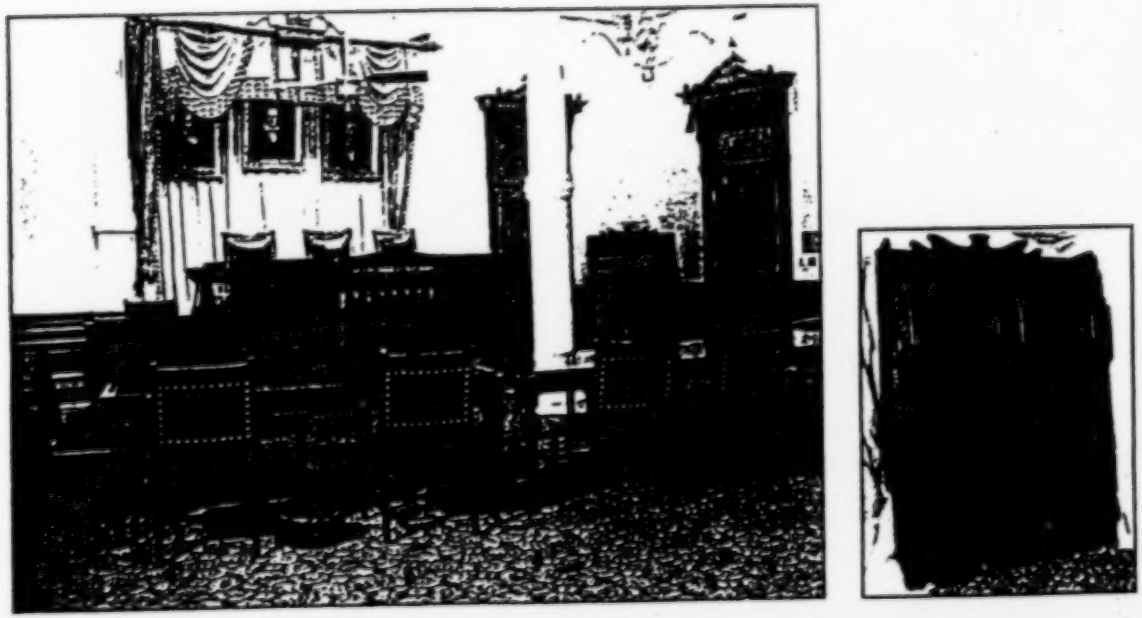
HISTORIC SUPREME COURT COURTROOM IN THE TEXAS CAPITOL

The historic Supreme Court Courtroom in the Capitol, c. 1905.



The restored historic Supreme Court Courtroom in the Capitol. The walnut desk with the inscription " Sicut Patribus. Sit Deus Nobis" that is in front of the drapery was the Capitol's largest and most elaborate piece of furniture when purchased in 1888. The Latin inscription on it literally translated says "Just as to our fathers, may God be to us.". A transcript case, pictured in the lower right corner, was reproduced from historical photographs.

BEST AVAILABLE COPY

EXHIBIT 42

The Great Seal of the United States

United States Department of State
Bureau of Public Affairs

September 1906

The Great Seal
of the United States

Before it adjourned on July 4, 1776, the Continental Congress of the newly independent United States passed a resolution:

> Resolved, that Dr. Franklin, Mr. J. Adams and Mr. Jefferson, be a committee, to bring in a device for a seal for the United States of America.

Thus, three of the five men who had drafted the Declaration of Independence were brought together in further service to their country. The revolutionaries needed an emblem and national coat of arms to give visible evidence of a sovereign nation and a free people with high aspirations and grand hopes for the future. The task proved far more difficult than anticipated; it took six years, two more committees, and the combined efforts of 14 men before the Great Seal of the United States became a reality on June 20, 1782.

Portrait artist Du Simitiere's design for Franklin, Adams, and Jefferson suggested shield, Eye of Providence in radiant triangle, and motto, *E Pluribus Unum*, all used in final design. Drawn from original in Thomas Jefferson papers.

The First Committee

The challenge facing the committee was to translate intangible principles and ideals into graphic symbols. Three of the best minds of the Age of Enlightenment – Franklin, Adams, and Jefferson – struggled unsuccessfully with Biblical and classical themes, including the Children of Israel in the Wilderness and the Judgement of Hercules. Finally they sought the help of a talented "drawer" and portrait artist, Pierre Eugene du Simitiere. To the post of consultant, Du Simitiere brought some knowledge of heraldry – the art of describing coats of arms – and also experience in designing seals.

Four features recommended by the first committee and its consultant were later adopted in the final seal: the Eye of Providence and the date of independence (MDCCLXXVI), both of which appeared on the final reverse side of the seal, and the shield and Latin motto, *E Pluribus Unum* (Out of many, one), on the obverse side. The first committee submitted its design on August 20,

1776, but the Congress ordered the report "to lie on the table," indicating lack of approval.

The Second Committee

In March 1780, the Congress turned the design and final report of the first committee over to a new committee, composed of James Lovell, John Morin Scott, and William Churchill Houston. They asked Francis Hopkinson, the gifted Philadelphian who had designed the American flag and the great seal of the State of New Jersey, to serve as their consultant. They too failed to create an acceptable seal, but, influenced by the flag adopted in 1777, they contributed to the final design 13 red and white stripes, the constellation of 13 six-pointed stars, and the olive branch, a symbol of peace.

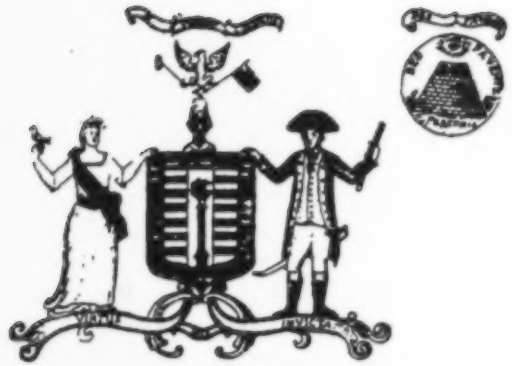
Second committee's consultant, Francis Hopkinson, contributed red, white, and blue colors to shield, an arrow and olive branch, and radiant constellation of 13 stars.

Great Seal Origins

Great seals have their origins in the royal seals of the 7th, 8th, and 9th centuries, but the first seal to be called "great" was that of England's King John (1199-1216). The King's Chamber acquired a smaller seal of its own called the "privy seal," for use in the sovereign's private business, and thereafter the King's seal became known as the "Great Seal." The U.S. seal is called "Great Seal" although no "lesser" seal exists.

The Third Committee

In May 1782 the Congress appointed a third committee. The three members John Rutledge, Arthur Middleton, and Elias Boudinot – did little or no serious work themselves, relying on the services of William Barton of Philadelphia. A young lawyer with artistic skill and well versed in heraldry, he became a central figure in the seal's refinement. Barton's chief contribution at this stage was the eagle, not the American bald eagle, but a small crested white eagle "displayed" (with its wings spread). He combined it with a small flag and a design for the reverse which contained a 13-step unfinished pyramid and the first committee's Eye of Providence. He quickly drew up two designs and their technical explanations, and the committee turned in its report five days after it was appointed.



Lawyer William Barton's design for third committee combined white eagle, flag, and reverse side with 13-step pyramid and first committee's Eye of Providence.

Charles Thomson's Proposal

The Congress still was not satisfied. On June 13, 1782, it presented the collected work and recommendations of the three committees to Charles Thomson, Secretary of Congress. Thomson was not an artist, but he was a practical man with the ability to get things done. He selected the best features of all the previous designs, assigning prominence to the eagle. Feeling that the new nation's symbol should be strictly American, however, Thomson replaced Barton's crested Imperial eagle with the native American bald eagle, wings extending downward as though in flight. He placed in the left talon a bundle of arrows and in the right, the olive branch.

Thomson's modified crest (a device placed above the shield) was a constellation of 13 stars surrounded by clouds. The shield, borne on the eagle's breast, was a

chevron design with alternating red and white stripes. Adopting the motto *E Pluribus Unum* from the first committee's report, Thomson included it on a scroll clenched in the eagle's beak. His was the first proposal in which the final design of the obverse can be seen.

In his design of the seal's reverse, Thomson retained the pyramid with the Eye of Providence in a triangle at the zenith and, as products of his Latin scholarship, introduced the mottos *Annuit Coeptis* (He [God] has favored our undertakings) over the eye and *Novus Ordo Seclorum* (A new order of the ages) beneath the pyramid. He gave his rough sketches and reports to Barton, depending on him to polish the designs.

Secretary of Congress Charles Thomson united earlier suggestions, gave them fresh and novel arrangement, pleasing in its simplicity and lack of clutter. His design was first to foreshadow one Congress adopted.

Charles Thomson's "Remarks and Explanation," Adopted by the Continental Congress, June 20, 1782

"The Escutcheon is composed of the chief [upper part of shield] & pale [perpendicular band], the two most honorable ordinaries [figures of heraldry]. The Pieces, paly [alternating pales], represent the several states all joined in one solid compact entire, supporting a Chief, which unites the whole & represents Congress. The Motto alludes to this union. The pales in the arms are kept closely united by the Chief and the Chief depends on that

union & the strength resulting from it for its support, to denote the Confederacy of the United States of America & the preservation of their union through Congress.

"The colours of the pales are those used in the flag of the United States of America; White signifies purity and innocence, Red, hardiness & valour, and Blue, the colour of the Chief signifies vigilance, perseverance & justice. The Olive branch and arrows denote the power of peace & war which is exclusively vested in Congress. The Constellation denotes a new State taking its place and rank among other sovereign powers. The Escutcheon is born on the breast of an American Eagle without any other supporters [figures represented as holding up the shield] to denote that the United States of America ought to rely on their own Virtue

"Reverse. The pyramid signifies Strength and Duration: The Eye over it & the Motto allude to the many signal interpositions of providence in favour of the American cause. The date underneath is that of the Declaration of Independence and the words under It signify the beginning of the New American Æra, which commences from that date."

The Final "Device"

Barton portrayed the eagle with its wings displayed, but with wing tips upward, and simplified Thomson's chevron arrangement of stripes on the shield. He arranged 13 vertical stripes, alternately white and red, below a rectangular blue "chief" (upper part of the shield). And he specified that the arrows in the eagle's left talon should number 13.

The designs were returned to Thomson on June 19, 1782. He made a few alterations and overnight produced the "blazon" (written description) with accompanying "Remarks and Explanation" and presented them to the

Continental Congress on June 20. The Congress acted the same day to adopt the report, which did not contain a drawing of either design.

Thus, nearly six years after establishment of the first committee, Charles Thomson and William Barton "brought in a device." The Great Seal of the United States was unique simple and uncluttered, yet bold – the composite product of many minds.

Meaning of the Seal

Symbolically, the seal reflects the beliefs and values that the Founding Fathers attached to the new nation and wished to pass on to their descendants. The report which Thomson submitted to the Congress explained the obverse this way: The red and white stripes of the shield "represent the several states . . . supporting a [blue] Chief which unites the whole and represents Congress." The colors are adopted from the American flag: "White signifies purity and innocence, Red, hardiness & valour, and Blue, the colour of the Chief, signifies vigilance, perseverance & justice." The shield, or escutcheon, is "born on the breast of an American Eagle without any other supporters to denote that the United States of America ought to rely on their own Virtue."

The number 13, denoting the 13 original States, is represented in the bundle of arrows, the stripes of the shield, and the stars of the constellation. The olive branch and the arrows "denote the power of peace & war." The constellation of stars symbolizes a new nation taking its place among other sovereign states. The motto *E Pluribus Unum,* emblazoned across the scroll and clenched in the eagle's beak, expresses the union of the 13 States. Recent scholarship has

pointed out the probable source of this motto: *Gentlemen's Magazine,* published in London from 1732 to 1922, was widely read by the educated in the American Colonies. Its title page carried that same motto and it is quite possible that it influenced the creators of the seal.

The reverse, sometimes referred to as the spiritual side of the seal, contains the 13-step pyramid with the year 1776 in Roman numerals on the base. At the summit of the pyramid is the Eye of Providence in a triangle surrounded by a Glory (rays of light) and above it appears the motto *Annuit Coeptis.* Along the lower circumference of the design appear the words *Novus Ordo Seclorum,* heralding the beginning of the new American era in 1776.

* * *

The Great Seal of the United States

Obverse Side of the Great Seal

The most prominent feature is the American bald eagle supporting the shield, or escutcheon, which is composed of 13 red and white stripes, representing the original States, and a blue top which unites the shield and represents Congress. The motto, *E Pluribus Unum* (Out of many, one), alludes to this union. The olive branch and 13 arrows denote the power of peace and war, which is exclusively vested in Congress. The constellation of stars denotes a new State taking its place and rank among other sovereign powers (see next pages).

Reverse Side of the Great Seal

The pyramid signifies strength and duration: The eye over it and the motto, *Annuit Coeptis* (He [God] has favored

our undertakings), allude to the many interventions of Providence In favor of the American cause. The date underneath is that of the Declaration of Independence and the words under it, *Novas Ordo Seclorur* (A new order of the ages), signify the beginning of the new American era in 1776 (see next pages).

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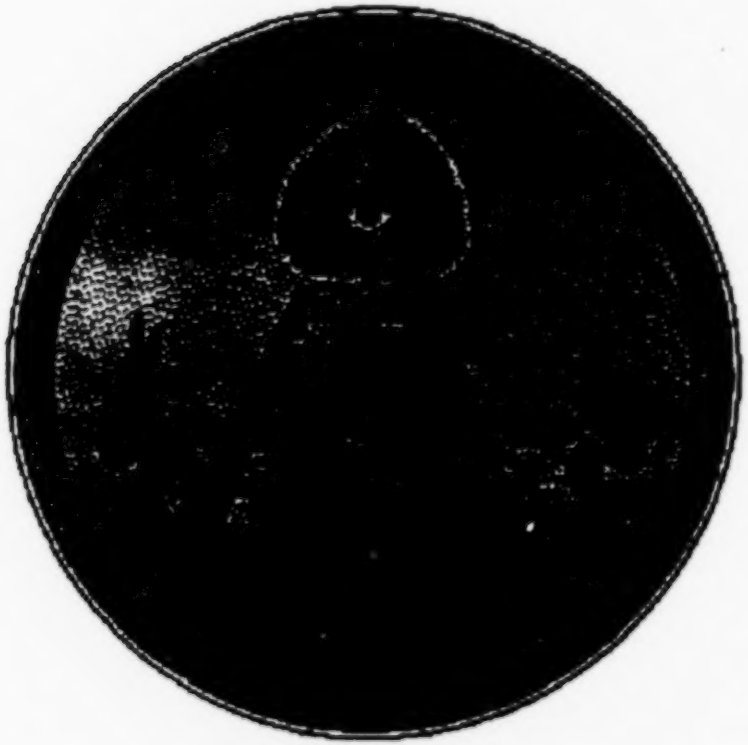


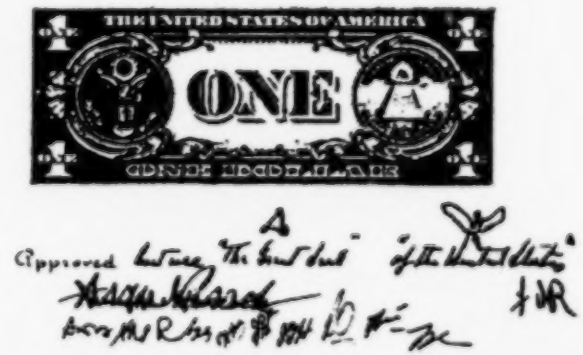
Reverse Side of the Great Seal

* * *

pointments Staff. At present it is impressed on the following types of documents, after they have been signed by the President and countersigned by the Secretary of State:

- Instruments of ratification of treaties and other international agreements;
- Proclamations of treaties and other international instruments;
- Appointment commissions of ambassadors, Foreign Service officers, Cabinet officers, and all other civil officers appointed by the President whose commissions are not required by law to issue under another seal; and
- Assignment commissions for consular officers.

The seal is also affixed to the envelopes that contain letters accrediting and recalling our ambassadors and other ceremonial communications from the President to heads of foreign governments.



Model of back of 1935 dollar bill submitted to President Franklin Roosevelt for approval. The President changed his mind after approving it, reversed placement of obverse and reverse and added legend "The Great Seal of the United States" in two parts under his roughly sketched pyramid and eagle.

* * *

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First Great Seal Committee – July 1776

"E Pluribus Unum"

Late on the afternoon of July 4, 1776, the Continental Congress appointed Benjamin Franklin, Thomas Jefferson, and John Adams to "to bring in a device for a seal for the United States of America."

Just three days earlier, the colonial delegates in Philadelphia had learned that a hundred British ships were sighted off the coast of New York – the first of 400.

Although these distinguished committee members were among the ablest minds in the new nation, they had little knowledge of heraldry and were not really qualified to compose a suitable design. Therefore, to help translate their vision, they chose the artist Pierre Euge'ne Du Simitière to work with them.

A talented portrait artist, this remarkable man had many skills and interests; most importantly, he knew something of heraldry and had experience in designing seals. The four men consulted among themselves between July 4 and

August 13, and each one brought before the committee a proposal for the Great Seal.

Franklin's proposal is preserved in a note of his own handwriting:

> "Moses standing on the Shore, and extending his Hand over the Sea, thereby causing the same to overwhelm Pharaoh who is sitting in an open Chariot, a Crown on his Head and a Sword in his Hand. Rays from a Pillar of Fire in the Clouds reaching to Moses, to express that he acts by Command of the Deity.
>
> "Motto, Rebellion to Tyrants is Obedience to God."

Adams chose the allegorical picture known as the "Choice" or "Judgment of Hercules" as engraved by Simon Gribelin, an image that deeply impressed Adams. According to the editors of the Adams Family Correspondence:

> The original fable is attributed to Xenophon in his Memoirs of Socrates, which narrates a debate, or rather a succession of appeals to the young Hercules, by female impersonations of Virtue and Vice (Pleasure). Vice speaks first and points out the flowery path of self-indulgence; Virtue follows and adjures Hercules to ascend the rugged, uphill way of duty to others and honor to himself.

Jefferson also suggested allegorical scenes. For the front of the seal: children of Israel in the wilderness, led by a cloud by day and a pillar of fire by night. For the reverse: Hengist and Horsa, the two brothers who were the legendary leaders of the first Anglo-Saxon settlers in Britain.

Du Simitière's sketch of his proposal:

Pierre Du Simitière was a curious character. As a talented artist skilled in heraldry, he designed the state seals of Delaware, Georgia, and Virginia. As an avid collector of all things American, he started the first American museum. This sketch is part of the Library of Congress U.S. Capitol Exhibit, "A More Perfect Union: Symbolizing the National Union of States."

First committee's choice for the Great Seal

On August 20th, the committee made its report: A shield with emblems of the six European cultures that migrated to America: three for Britain (English rose, Scottish thistle, Irish harp) and three for continental Europe (French fleur-de-lis, German eagle, Belgic lion).

Supporting the shield: the Goddess of Liberty, who holds a spear and wears the Phrygian cap, and the Goddess of Justice with her balance.

Crest "The Eye of Providence in a radiant Triangle whose Glory extends over the Shield and beyond the Figures."

Motto "E PLURIBUS UNUM."

This first committee's choice for the reverse was basically Jefferson's revision of Franklin's proposal:

"Pharaoh sitting in an open Chariot, a Crown on his head and a Sword in his hand, passing through the divided Waters of the Red Sea in Pursuit of the Israelites: Rays from a Pillar of Fire in the Cloud, expressive of the divine Presence and Command, beaming on Moses who stands on the shore and extending his hand over the Sea causes it to overwhelm Pharaoh.

"Motto: **Rebellion to Tyrants is Obedience to God."**

Symbolic elements from the first committee incorporated into the final Great Seal design:

Shield
The motto E pluribus unum on a scroll
Eye in a triangle surrounded with a glory
Cloud
MDCCLXXVI
(A "German Eagle" was introduced as a minor element.)

The World of Franklin & Jefferson" – poster from the 1976 exhibit by Charles & Ray Eames for the American Revolution Bicentennial Administration.

CHURCH SYMBOLISM

AN EXPLANATION
OF THE MORE IMPORTANT SYMBOLS OF THE OLD AND NEW TESTAMENT, THE PRIMITIVE, THE MEDIAEVAL AND THE MODERN CHURCH

F. R. WEBBER

INTRODUCTION BY
RALPH ADAMS CRAM
LITT.D., LL.D., F.A.I.A., A.N.A., F. R. G. S.

SECOND EDITION, REVISED

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CHAPTER VII.

THE SACRED MONOGRAMS

SEVERAL groups of letters have been used from the days of the primitive Christian Church onward, to symbolize our Lord Jesus Christ. In popular language, these are known as sacred monograms, although several of them might properly be called abbreviations.

DERIVATION OF THE "IC XC"

The Chi Rho Symbol. This is among the most ancient of the so-called monograms of our Lord Jesus Christ. It is the abbreviation of the word "Christ." This name of our Saviour was spelled XPICTOC in ancient Greek uncials, the letter C having been used instead of the letter Sigma more familiar in our day. Taking the first two letters of this word XPICTOC, the abbreviation XP was the result. This is called Chi Rho, from the names of the Greek letters X and P. A horizontal line over the two letters is the sign of an abbreviation.

Countless examples of the Chi Rho symbol exist in the catacombs, as well as on early coins, lamps, pottery and other objects brought to light by the archaeologist. Entire books have been written upon the subject.

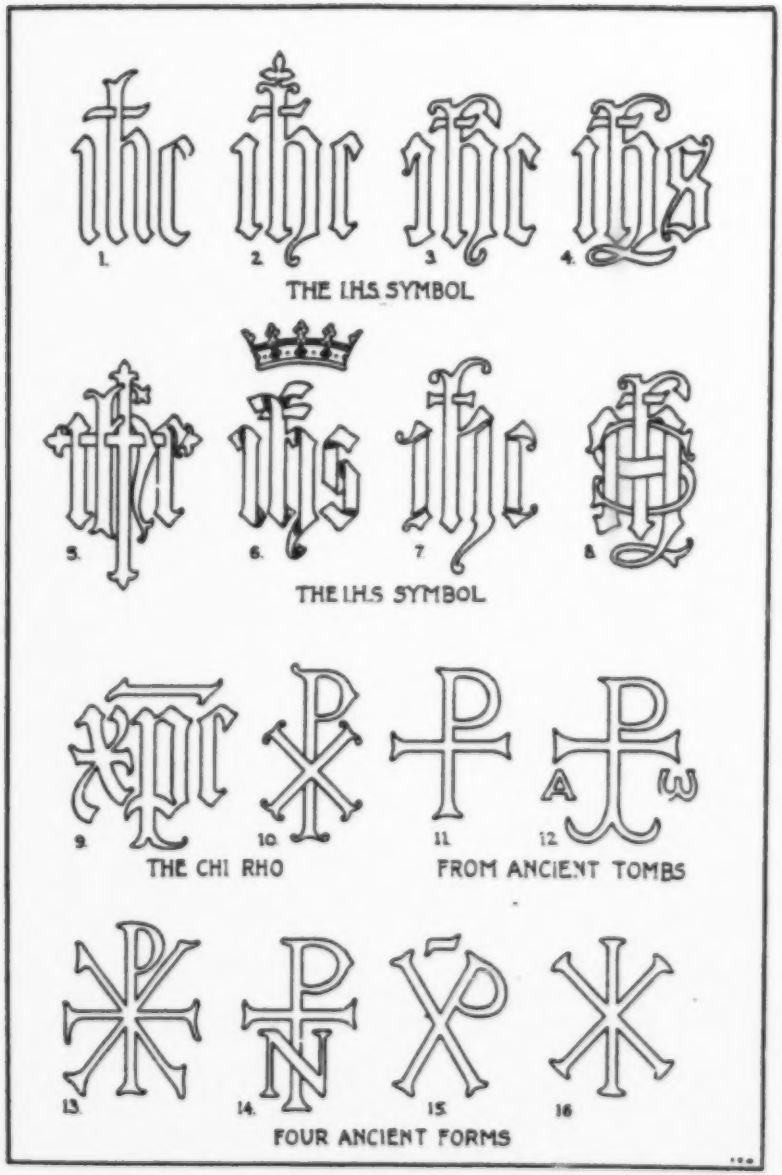
On Plate IX we show a few of the more familiar forms, some of which are rather crude in their original ancient form, others beautifully made. We show them in their slightly modernized form, as used today in Christian art. Figures 10 and 11 are very common on early burial inscriptions, lamps and coins. Figure 12, from the catacombs, combines the Alpha and Omega with the Chi Rho, signifying that our Lord Jesus is the beginning and end of all things. Figure 13, also from the catacombs, combines a true Chi Rho with the Greek Cross. Figure 14 contains the letter N, meaning *Nika*, or "Jesus the Conqueror," or "Jesus Conquers."

JESUS CHRIST
THE VICTOR

Some authorities believe that is a combination of the Greek Chi Rho and the Latin word *Noster*, and that it means "Our Christ." Figure 15 shows an ancient form of the Chi Rho with the Rho placed upon one arm of the letter Chi. Figure 16 is another variation, made by combining the first letter of the Greek word IHCOYC, meaning "Jesus," and the word XPICTOC, meaning "Christ." Another form of this same symbol is shown on Plate VIII, Figure 28. Still another form, combined with the Greek cross, is shown on Plate VIII, No. 29.

The IHC Symbol. Even more popular today, but not quite so ancient as the Chi Rho symbol, is the IHC. This is the abbreviation of the Greek word IHCOYC, meaning "Jesus." Often it is written IHS or even I. H. S. The form IHS is not so good as the ancient IHC, which is historic-

* * *



Sacred Monograms PLATE IX

Magen David

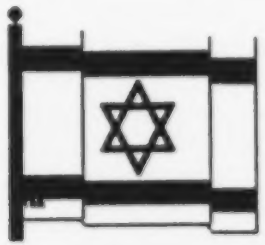
The Magen David (shield of David, or as it is more commonly known, the Star of David) is the symbol most commonly associated with Judaism today, but it is actually a relatively new Jewish symbol. It is supposed to represent the shape of King David's shield (or perhaps the emblem on it), but there is really no support for that claim in any early rabbinic literature. In fact, the symbol is so rare in early Jewish literature and artwork that art dealers suspect forgery if they find the symbol in early works.

Scholars such as Franz Rosenzweig have attributed deep theological significance to the symbol. For example, some note that the top triangle strives upward, toward G-d, while the lower triangle strives downward, toward the real world. Some note that the intertwining makes the triangles inseparable, like the Jewish people. Some say that the three sides represent the three types of Jews: Kohanim, Levites and Israel. Some note that there are actually 12 sides (3 exterior and 3 interior on each triangle), representing the 12 tribes. While these theories are theologically interesting, they have little basis in historical fact.

The symbol of intertwined equilateral triangles is a common one in the Middle East and North Africa, and is thought to bring good luck. It appears occasionally in early Jewish artwork, but never as an exclusively Jewish symbol. The nearest thing to an "official" Jewish symbol at the time was the menorah.

In the middle ages, Jews often were required to wear badges to identify themselves as Jews, much as they were in Nazi Germany, but these Jewish badges were not always the familiar Magen David. For example, a fifteenth century painting by Nuno Goncalves features a rabbi wearing a six-pointed badge that looks more or less like an asterisk.

In the 17th century, it became a popular practice to put Magen Davids on the outside of synagogues, to identify them as Jewish houses of worship in much the same way that a cross identified a Christian house of worship; however, I have never seen any explanation of why this symbol was chosen, rather than some other symbol.



The Magen David gained popularity as a symbol of Judaism when it was adopted as the emblem of the Zionist movement in 1897, but the symbol continued to be controversial for many years afterward. When the modern state

of Israel was founded, there was much debate over whether this symbol should be used on the flag.

Today, the Magen David is a universally recognized symbol of Jewry. It appears on the flag of the state of Israel, and the Israeli equivalent of the Red Cross is known as the Red Magen David.

Chai

This symbol, commonly seen on necklaces and other jewelry and ornaments, is simply the Hebrew word Chai (living), with the two Hebrew letters Chet and Yod attached to each other. Some say it refers to the Living G-d. Judaism as a religion is very focused on life, and the word chai has great significance. The typical Jewish toast is l'chayim (to life). Gifts to charity are routinely given in multiples of 18 (the numeric value of the word Chai).

Hamesh Hand

The hamesh hand or hamsa hand is a popular motif in Jewish jewelry. Go into any Jewish gift shop and you will find necklaces and bracelets bearing this inverted hand with thumb and pinky pointing outward. The design commonly has an eye in the center of the hand or various Jewish letters in the middle.

There is nothing exclusively Jewish about the hamesh hand. Arab cultures often refer to it as the Hand of Fatima, which represents the Hand of G-d. Similar designs are common in many cultures. Why it has become such a popular symbol among Jews? I haven't been able to find an adequate explanation anywhere. My best guess: in many cultures, this hand pattern represents a protection against the evil eye, and the evil eye has historically been a popular superstition among Jews.

For some lovely illustrations of Jewish variations on this design, see: Chaim Peretz Vitrage

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Judaism 101

Welcome
About the Author
Awards
Where to Start
Table of Contents
Download
Frames Version
Current Calendar
What's Nu?

Welcome!

Welcome to Judaism 101! Judaism 101 is an online encyclopedia of Judaism, covering Jewish beliefs, people, places, things, language, scripture, holidays, practices and customs. My goal is to make freely available a wide variety of basic, general information about Judaism, written from a traditional perspective in plain English. This web site is constantly growing, with new information added every few weeks.

Everything in this web site is free to use or distribute in any way, with three conditions: 1) if you use text, graphics or sound from this site, please credit this site; 2) do not redistribute this information for profit; 3) do not "mirror" this site or copy pages from this site for use on other web sites. For further details, please see my copyright page.

The information in this site is written predominantly from the Orthodox viewpoint, because I believe that is the starting point for any inquiry into Judaism. As recently as 200 years ago, this was the only Judaism, and it still is the only Judaism in many parts of the world. Be aware, however, that many Jews do not follow all of the traditions

described here, or in the precise form described here. The Conservative movement believes that these laws and traditions can change to suit the times, and Reform/Liberal/Progressive movements believe that individuals can make choices about what traditions to follow. However, what I present here is the starting point, the traditions that are being changed or chosen. On some pages, I have identified variations in practice or belief in other movements.

About the Author

This site is created, written and maintained by Tracey Rich. I do not claim to be a rabbi or an expert on Judaism; I'm just a traditional, observant Jew who has put in a lot of research. I work as the Education Director for Legal-Edge Software, a company that develops, markets and supports case management software for lawyers. I am also the co-author of several legal reference texts, including Pennsylvania Damages; Personal Injury Verdicts and Settlements. I am a member of Congregation Or Shalom, a Conservative synagogue in Chester County, PA.

Awards

ANAHATA: LOTUS OF THE HEART

By Anodea Judith

The six-pointed star, made of two interlacing equilateral triangles, is the central image within the lotus of the heart chakra. The appearance of this symbol within the astrological configuration of January 23, 1997 may have much significance in terms of socio-cultural planetary changes occurring at this time. The following is a further explanation of the chakras, their evolutionary significance, and the meaning of the heart chakra in particular.

The ancient system of seven energy centers located within the body, called CHAKRAS, describes a comprehensive metaphysical system that encompasses varying levels of consciousness, human behavior, colors, sounds, vibrational qualities, and the progression of socio-cultural evolution.

The seven chakras form a continuum from matter to consciousness, earth to heaven, and body to mind that connects our mundane physical selves to our higher nature, without negating either. Each step upward includes and builds upon the level below it. Each step downward is an act of creation, concretizing our ideas on the physical plane.

The chakras are further associated with elements which symbolize their basic essence: (from bottom to top) earth, water, fire, air, sound, light and thought. Psychologically, the chakras are oriented to basic human life issues (again from bottom to top): survival, sex, power, love, communication, vision, and understanding.

The heart chakra is the middle chakra in a system of seven. It symbolizes the two polarities of body and spirit as interpenetrating in perfect balance. The upward

pointing triangle symbolizes matter rising into spirit. The downward triangle (similar to the ancient female symbol for birth) represents spirit descending into manifestation. To fully open the heart chakra we need to bring into balance the various aspects of our existence, such as male and female, light and shadow, mind and body, practicality and spirituality.

It is my belief that the dawning Age of Aquarius heralds a socio-cultural age corresponding to the heart chakra. This era marks the importance of balancing the polarities of human existence within the dominating paradigm of the collective conscious.

But first let us look briefly at the pattern of cultural evolution through the chakras that has occurred thus far:

The period of the Paleolithic cave dwellers relates to the consciousness level of chakra one. Here we were bound without recourse by the cycles of the earth. Tribes roamed across the earth, lived in caves made of earth. We hunted and gathered, taking what the earth freely offered. Worship was of a monotheistic mother goddess, who symbolized the miracle of birth and the fecundity of earth. The beginning of this age is hard to fathom – perhaps it had no true beginning, but is grounded in the survival instincts of the animal kingdom from which we have all emerged.

The dawn of the age of chakra two, (element water, oriented to sexuality and procreation) coinciding with the astrological age of Cancer (a cardinal water sign) was marked by the agricultural revolution and the beginning of ship building and travel by water, circa 10-8,000 BCE. Control of water through irrigation allowed communities to settle in one place rather than nomadically migrate across the land, and this new found freedom created a

giant leap in cultural creativity. There were cities with thousands of citizens; great temples were built, with a proliferation of art and ritual, and written language toward the end of this period. Archeaologists believe it to have been a period of relative peace and prosperity. Worship was of a polytheistic variety of nature gods, male and female, oriented toward the agricultural cycles (planting and reaping) and the life/death/rebirth cycle of human lives.

The age of the third chakra (element fire, oriented to power and energy) coincides with the astrological age of Aries (a cardinal fire sign), about 1500 BCE. At this time patriarchal forces controlled culture through warlike aggression and hierarchical domination, and with but few exceptions overthrew the peaceful agrarian communities that preceded them. With fire, we could forge metals, make tools, and make weapons. The male Sky Gods replaced the earth and vegetation deities, with the worship turning toward the sun, the storm (lightning), and war gods. The collective struggle of existence was oriented toward power and technology. Technology freed us up from survival demands one step further, allowing populations to continue to grow, with greater diversification of labor as well as class status. Patterns of domination and persecution created the need for both personal and collective power which played out in individuals, villages, cities, and countries. These patterns have persisted through the present day, with huge nation states, ever increasing technology, and simultaneous increase in "sophisticated" weaponry, such as nuclear warheads.

We have been in the latter parts of the third chakra stage through this century. Issues of power and domination, energy and control are central concerns on our planet. We

are technologically advanced, but our technology is also destroying the earth. Energy resources are a premium issue in power dynamics, such as the Persian Gulf War fought essentially over oil reserves. Much is out of balance, with the mind favored over the body, technology favored over ecology, white over black, male over female.

The age of the heart chakra is an age where these archetypal elements come into balance. Here the warring agressive [sic] drives begin to wane and peace and ecological balance become the predominant concerns. Balance between the sexes, between races, and within the Self through our conscious and unconscious, active and passive, spiritual and material aspects of our existence, are also elements of the heart chakra's general orientation toward equilibrium. Increased focus on spirituality, with a simultaneous honoring of the body and the earth, is an example of this interpenetrating balance that is emerging today through New Age movements, therapeutic trends in psychology, and popular literature. As the heart chakra corresponds to the element air, so too does the sign of Aquarius, which is also dawning at this time, both in 97 (Jan 23 is the cusp of Aquarius) and as a larger era.

The actual moment that a new age begins is difficult if not impossible to pinpoint. These are larger cultural shifts that take place globally through many different activities, cultures and events over a broad span of time. Yet we are now, for the first time, conscious enough to see the patterns that emerge and watch for signposts that herald significant turning points. I believe the astrological configuration of January 23, 1997 is just one of those important signposts.

Monument Guide: *Texas Heroes*

THE TEN COMMANDMENTS
Erected 1961 by the Fraternal Order of Eagles of Texas.

Hewn from Texas "Sunset Red" granite in the traditional shape of the biblical stones and inscribed with the Ten Commandments, the monument was presented to the people of Texas.

Previous Photo | Next Photo | Back to Monuments List

Home State Preservation Board Plan Your Visit | Texas Capitol
Capitol Extension State History Museum Capitol Visitors Center
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46
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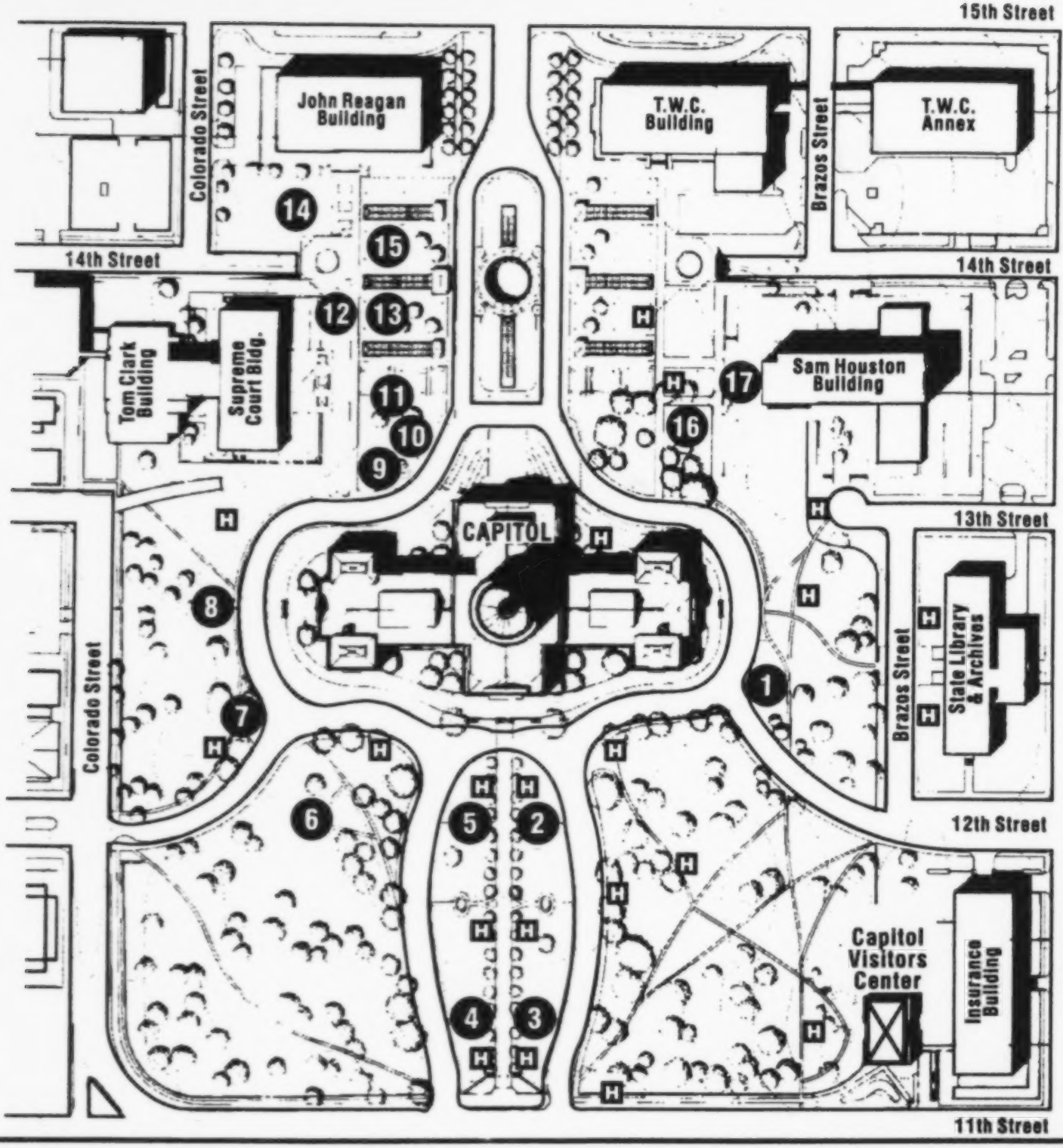

1. Hood's Brigade
2. Heroes of the Alamo
3. Confederate Soldiers
4. Volunteer Firemen
5. Terry's Texas Rangers
6. Texas Cowboy
7. "The Hiker"
8. 36th Infantry
9. Ten Commandments
10. Tribute to Texas Children
11. Texas Pioneer Woman
12. Statue of Liberty Replica
13. Pearl Harbor Veterans
14. Korean War Veterans
15. Soldiers of World War I
16. Disabled Veterans
17. Texas Peace Officers

H = Historical Marker

CAPITOL MONUMENT GUIDE

NORTH

NOTE: The diagram above has been simplified for clarity and does not accurately reflect all details of the actual grounds.

EXHIBIT
47
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TEXAS CAPITOL MONUMENT GUIDE

1. **HOOD'S TEXAS BRIGADE** – Erected 1910 by surviving comrades and friends.
   A gray granite shaft, with hand-carved quotes by President Jefferson Davis, General Robert E. Lee, and others, is topped by the bronze figure of a Confederate soldier. The monument stands as a memorial to the members of John B. Hood's Texas Brigade Army of Northern Virginia. Principal battles, during which some 4000 soldiers in the division died defending the South throughout the Civil War, are listed on the base. The bronze figure was executed by Pompeo Coppini.

2. **HEROES OF THE ALAMO** – Erected 1891 by the State of Texas.
   A bronze statue of a Texan holding a muzzle-loader rifle stands atop a Texas Sunset Red granite base. In 1836, during a 13 day siege, about 187 Texans under the command of William B. Travis, lost their lives defending the Alamo fort against Mexican General Santa Anna's army of more than 5000. Names of the Texans who died in the battle, including James Bowie and David Crockett, are inscribed upon the four granite supports. Monument designed by J. S. Clark.

3. **CONFEDERATE SOLDIERS** – Unveiled 1903 by surviving comrades.
   Five bronze figures on a gray granite base represent the Infantry, Cavalry, Artillery, and Navy, headed by the Confederate president, Jefferson Davis. Etched in the base are the 13 states which withdrew from the Union and formed the Southern Confederacy, as well as the battles fought between 1861 and 1865. The bronze figures were executed by Pompeo Coppini. Monument erected by Frank Teich.

4. **VOLUNTEER FIREMEN** – Erected 1896 by the State Firemen's Association of Texas.
A bronze figure of a fireman carries a frightened child in his left arm and a lantern in his right. On the granite base are inscribed names of those Texan volunteers who have lost their lives fighting fires.

5. **TERRY'S TEXAS RANGERS** – Erected 1907 by surviving comrades.
The bronze statue, by Pompeo Coppini, portrays one of Terry's Texas Rangers astride a spirited horse. In 1861, during the Civil War, Terry's Texas Rangers were mustered at Houston after Benjamin Terry and Thomas Lubbock's call for volunteers. Ten companies of 100 men each were formally activated as the 8th Texas Calvary, and during the following five years participated in many engagements defending the Southern Confederacy.

6. **TEXAS COWBOY** – Erected in 1925.
The bronze statue was presented to the State of Texas, "native home of the Cowboy," by the notable American sculptor Constance Whitney Warren. It represents the artists portrayal of a typical Texas cowboy riding a rearing horse, and is a tribute to the "rough and romantic riders of the range."

7. **"THE HIKER"** – Erected 1951 by the Spanish-American War Veterans and Auxiliaries of Texas.
The bronze statue of a soldier, mounted on a Texas Sunset Red granite pedestal, honors the memory of all the Veterans of the Spanish-American War (1891-1902). It was executed by the Gorham Company of Providence, Rhode Island.

8. **VETERANS OF THE 36th INFANTRY** – Erected 1959.
Hewn of Texas Sunset Red granite in the shape of the "T-Patch", the shoulder insignia of the 36th Infantry, Texas National Guard, the monument memorializes the fighting men of the 36th Infantry. The Division is credited with freeing Rheims, France, during World War I, and was the first American division to invade Europe during World War II.

9. **THE TEN COMMANDMENTS** – Erected 1961 by the Fraternal Order of Eagles of Texas.
Hewn from Texas granite in the traditional shape of the biblical stones and inscribed with the Ten Commandments, the monument was presented to the people and youth of Texas.

10. **TRIBUTE TO TEXAS CHILDREN** – Erected 1998 by the school children of Texas.
The life-sized bronze figures by Lawrence Ludtke, installed at ground level, depict six children on a field trip to the Texas Capitol. The monument honors and celebrates the youth of Texas.

11. **TEXAS PIONEER WOMAN** – Erected 1998 by the Daughters of the Republic of Texas, District VIII.
Honoring the pioneer women of early Texas, a life-sized bronze figure by Linda Sioux Henley depicts a young pioneer mother with baby on her arm. The statue stands atop a Texas Sunset Red granite pedestal.

12. **STATUE OF LIBERTY REPLICA** – Erected 1951 by the Boy Scouts of America.
The bronze miniature Statue of Liberty, mounted on a native limestone base, was presented to the State of Texas as a "pledge of everlasting fidelity and loyalty." The statue was relocated from the south grounds to a new pedestal on the north grounds in 1997. A time-capsule buried nearby is to be opened by Scout officials in 2076.

13. **PEARL HARBOR** – Erected 1989 by the Pearl Harbor Survivors of Texas.

Dedicated to honor those men and women from Texas in the military services who were present on the Island of Oahu, Territory of Hawaii, on December 7, 1941, when the Japanese bombed Pearl Harbor.

14. **KOREAN WAR VETERANS MEMORIAL** – Erected 1998 by the Texas Lone Star Chapter of the Korean War Veterans Association. The star-shaped memorial is dedicated to the more than 289,000 Texans who served in the Korean War, and incorporates the names of the 1723 Texans either killed in action or missing in action. (Source list National Archives and Records Administration, website: www.nara.gov) A bronze eagle by sculptor Edward L. Hankey crowns the memorial.

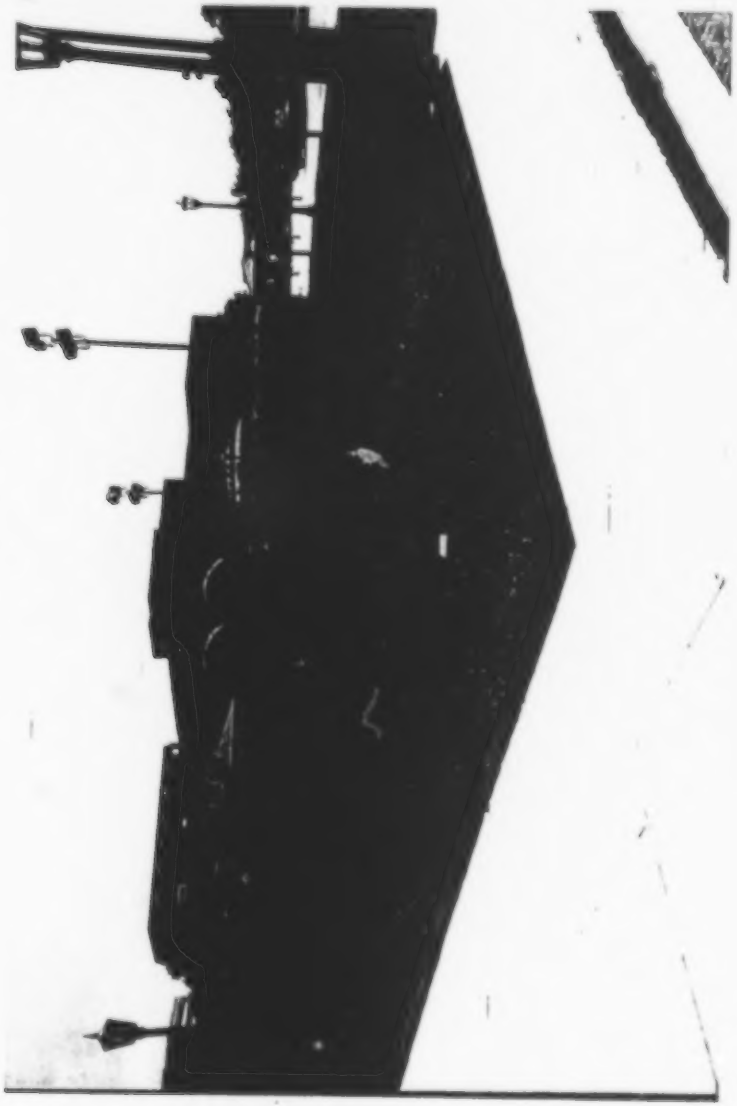
15. **WORLD WAR I** – Erected 1961 by the membership of the Department of Texas, Veterans of Foreign Wars. Constructed of Texas Sunset Red granite, and listing the barracks and auxiliaries that participated in its erection, this monument is dedicated to the memory of World War I veterans.

16. **DISABLED AMERICAN VETERANS OF TEXAS** – Erected 1980 by the membership of the Disabled American Veterans and Auxiliary, Department of Texas. The monument is dedicated to all Texan veterans who have been disabled while serving in the U.S. military services.

17. **TEXAS PEACE OFFICERS MEMORIAL** – Erected 1999 by the Texas Commission on Law Enforcement in cooperation with the State Preservation Board. The memorial was authorized by the 71st Legislature in 1989 to honor law enforcement officers and corrections personnel whose lives have been lost in the line of duty since August 5, 1823, the date when Stephen F. Austin commissioned the first Texas Peace Officers, the first ten Texas Rangers. For information on

names already inscribed or names to be inscribed, please contact:

Texas Commission on Law Enforcement, 6330
U.S. Hwy. 290 East, Suite 200, Austin, TX 78723
Attn: Edward Lain, Chief (or Rita Delgado,
Executive Assistant)
Phone: (512) 936-7722 Fax: (512) 936-7714



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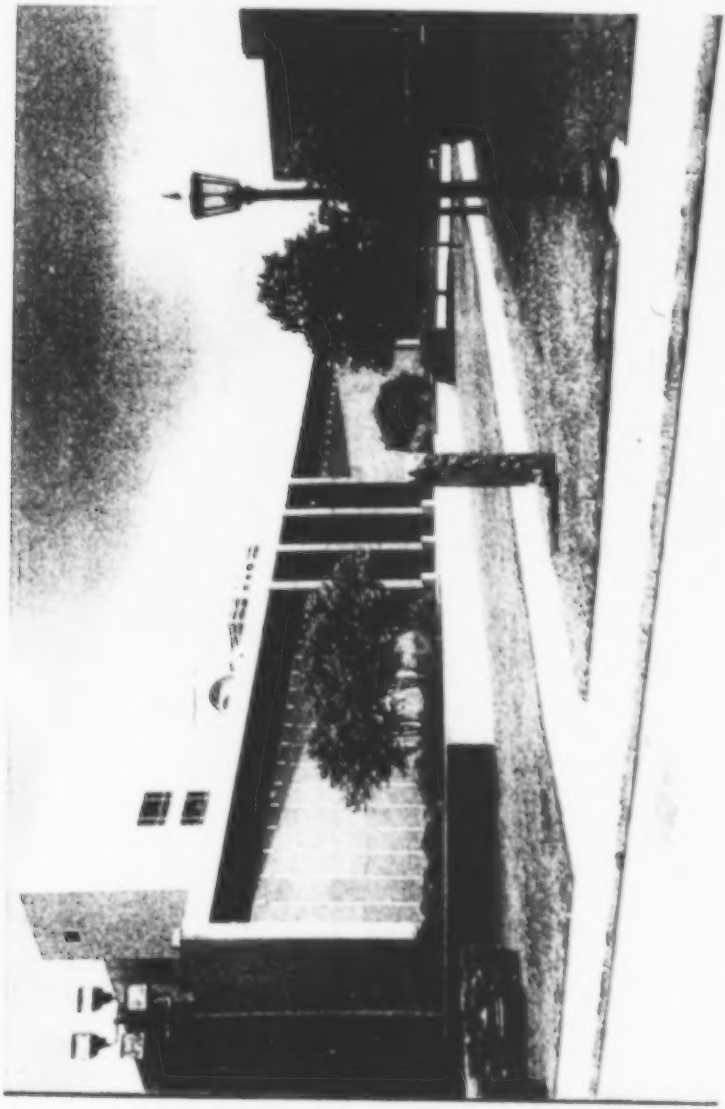

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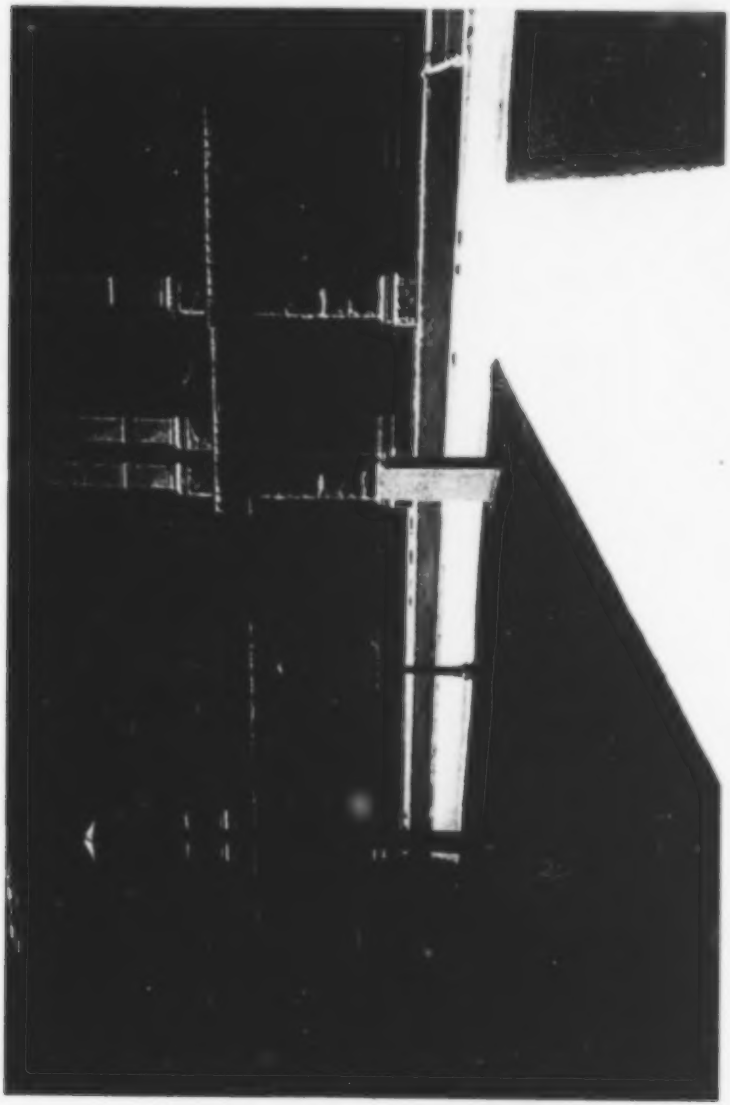

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